

ANNUAL REPORT

of the

OFFICE OF ADMINISTRATIVE PROCEDURE

1957

A Unit

of the

OFFICE OF LEGAL COUNSEL
DEPARTMENT OF JUSTICE

Washington, D. C.

CARNEGIE LIBRARY OF PITTSBURGH

FOREWORD

In recent years improvement of Federal administrative procedures has become a matter of great public interest. Many have expressed the belief that elimination of unnecessary delay and expense in administrative proceedings and the improvement of administrative procedures generally might be best accomplished through the efforts of the regulatory agencies themselves, acting in concert with a central office.

Creation of such an office within the Department of Justice was recommended in the Final Report (March 1955) of the President's Conference on Administrative Procedure and, more recently, by the Commission on Organization of the Executive Branch of the Government (Hoover Commission).

Acting upon these recommendations, the Attorney General, on December 4, 1956, announced that the Office of Administrative Procedure would be established on an experimental basis.¹

The first report of the new office is in two parts. Part I, which covers the period of operation through December 31, 1957, contains a description of the organization and work methods employed and an account of some of the more significant assignments which are believed to be of general interest.

Part II is the statistical section of the report. It is devoted principally to backlog, volume, and time data with respect to certain types of hearings pending before hearing examiners during the fiscal year 1957.

For invaluable assistance in preparation of forms used in soliciting statistical data, the Office is indebted to the Bureau of the Budget. The complete cooperation of the agencies also is gratefully acknowledged. Each of the 21 agencies asked to supply data responded as fully as possible, even though much of the material requested had to be assembled from original notes and files. Indeed, throughout the year the work of the Office has encountered a most favorable and heartening reception at the hands of Government and bar.

It is to be hoped that this first Annual Report will serve in some measure to stimulate increasing use of the advisory services of the Office, to the end that the Office may fully portray the role imagined for it by the President's

¹ The announcement was implemented by Administrative Order No. 142-57, published in the Federal Register, February 16, 1957, at p. 998. Text of the Order follows this Foreword.

Conference Committee to consider the desirability of an Office of Administrative Procedure when it said, in part,--

"We are convinced that the establishment of an Office of Administrative Procedure to act as a nucleus for continuing effort to improve administrative procedures is the most important contribution which can be made to this branch of the law."

TABLE OF CONTENTS

	Page
Foreword.....	i
Administrative Order 142-57.....	v
Part I--Review of Calendar Year 1957	
Organization and Work Methods.....	1
Statistical Summary	2
Status of Use of President's Conference Recom- mendations	2
Review of Procedural Legislation	3
Recognition and Discipline of Lawyers.....	4
Hearing Procedures	5
Part II--Hearing Statistics--Discussion of Statistics Reported	7
Table I--Proceedings Pending Before Examiners During the Fiscal Year 1957--Backlog and Vol- ume Data.....	12
Table II--Proceedings Disposed of by Examiners During the Fiscal Year 1957--Manner of Dispo- sition.....	15
Table III--Age of Proceedings Pending Before Ex- aminers at the End of the Fiscal Year 1957	18
Table IV--Use of "Shortened Procedures" which Permit Examiners to Issue Decisions on the Merits Without Evidentiary Hearings.....	21
Table V--"Shortened Procedure" Cases--Length of Time Involved in Examiners' Disposition and Comparison with Time Involved in Regular Hear- ing Cases	24
Table VI--Length of Time from Assignment to Ex- aminer to Decision by Examiner in Proceedings in which Examiners Issued Decisions on the Merits After Evidentiary Hearings.....	25
Table VII--Length of Time from Assignment to Ex- aminer to the Opening of the Hearing in Proceed- ings in which Examiners Issued Decisions on the Merits After Evidentiary Hearings.....	28

TABLE OF CONTENTS--Continued

	Page
Table VIII--Length of Time from Close of Hearing to Final Submission to Examiner and from Final Submission to Issuance of Examiner's Decision--Use of Prehearing Conferences--Suspension on Interlocutory Appeals--Length of Hearings--Number of Hearings Reopened Prior to Examiner's Decision.....	31
Table IX--Hearing Examiner Staff--Average Number of Days per Man-Year Spent in Hearings and Pre-Hearing Conferences--Average Number of Decisions on the Merits and Total Number of Proceedings Assigned to Examiners for Conduct of Hearing Only	31

APPENDIX

	Page
Table--Agency Rules on Service of Process.....	39
President's Conference Illustrative Rule.....	39
Table--Agency Rules on Subpenas	41
President's Conference Illustrative Rule.....	41
Table--Agency Rules on Depositions and Interrogatories	44
President's Conference Illustrative Rule.....	44
Table--Agency Rules on Official Notice.....	49
President's Conference Illustrative Rule.....	49
Table--Agency Rules on Prehearing Conference	51
Table--Agency Requirements for Formal Admission of Attorneys.....	51
Proposed Rules for Recognition of Attorneys	51
Table--Agency Rules on Disbarment of Attorneys ...	53

OFFICE OF THE ATTORNEY GENERAL

[Order 142-57]

Establishment of Office of Administrative Procedure

Establishment of Office of Administrative Procedure. There is hereby established in the Department of Justice an Office of Administrative Procedure which shall be a component and under the administrative supervision of the Office of Legal Counsel.

Director. 2. The Office shall be headed by a Director who shall act in an advisory capacity in carrying out the purposes of the Office.

Purposes of the Office. 3. With a view to achieving improvements in administrative procedures within the Executive Departments and agencies of the Federal Government, the Office shall:

Carry on continuous studies of the adequacy of the procedures by which Federal departments and agencies define the rights, duties, and privileges of persons;

Initiate cooperative effort among the departments and agencies and their respective bars to develop and adopt so far as practicable uniform rules of practice and procedure;

Collect and publish facts and statistics concerning the procedures of the departments and agencies;

Assist departments and agencies in the formulation and improvement of their administrative procedures.

Cooperation by Departments and Agencies, the Bar, and Interested persons. 4. The Director, in consultation with the Attorney General, is authorized to make appropriate arrangements for securing the cooperation and advice of representatives of the departments and agencies, the bar, and other interested persons in connection with the performance of his duties.

Reports. 5. The Director shall render an annual report for information to the departments and agencies, and such other reports as the Attorney General may from time to time require.

Issued: February 6, 1957.

Herbert Brownell, Jr.,
Attorney General

R. 998]

ANNUAL REPORT
of the
OFFICE OF ADMINISTRATIVE PROCEDURE

1957

PART I

Organization and Work Methods

The Office of Administrative Procedure, headed by a Director, is a component of and under the administrative supervision of the Office of Legal Counsel. In general, the purpose of the Office is to develop through cooperative efforts the support of the Federal agencies and the bar for the improvement of those administrative procedures whereby the Executive departments and agencies determine by rule or by decision the rights, privileges, and duties of others. More specifically, the Office is charged to study continuously the adequacy of procedures, to develop uniform, simple, and economical procedures, and to assist departments and agencies in the formulation and improvement of specific procedures, all to the end that the public business may be conducted fairly with economy, efficiency, and dispatch.

Each of 47 departments and agencies has named a responsible member or staff officer to maintain official liaison with the Office. Although work with the respective departments and agencies is channeled through these 47 representatives, much of the work is done by informal discussion and personal contact with agency members and staff. Through such a program of informal face-to-face meetings with administrators there is achieved a full and free exchange of views and a mutual stimulation.

The Office also is in frequent contact with state and local bar associations, with committees of the American Bar Association, and with specialized agency bar groups. Many suggestions and problems are stated by law students, non-lawyer professional associations, and individual members of the public. For all of these diverse groups and individuals the Office seeks to act as a clearing house for procedural information. It does special study and research with respect to selected problems, and recommends and provides advice with respect to procedural matters, whenever such appears to be in order.

Statistical Summary

From the commencement of operation on December 17, 1956, to the end of the calendar year 1957, the Office participated in 69 intradepartmental studies and assignments, 22 rulemaking studies affecting one or more departments or agencies, and processed 29 special assignments.

Status of Use of President's Conference Recommendations

Since the work of the Office is so closely related to a number of the recommendations made by the President's Conference to the agencies of the Federal Government an attempt was made early in the year to determine the extent to which the recommendations had been helpful to the respective agencies. At the same time it was deemed essential to determine whether there existed within the agencies machinery for consideration of the recommendations and other procedural matters, and whether there were available procedural statistics and public procedural rulemaking proposals which could be studied by the staff. Although the full impact of the recommendations had not then (and has not now) been reflected in formal rule changes, 21 of the 53 agencies surveyed were found to have put to some use the Conference recommendations. Several of the 21 stated that although the recommendations had not been specifically put into effect, they had in the aggregate been generally helpful. A few of the 21 had adopted one or more of the recommendations.

It was found that in 20 of the 53 agencies studied some official or staff committee was charged with the responsibility of carrying on continuous study of agency procedures. In several others various officials were responsible for drafting such changes as might be required, but had no positive direction to seek improvement. Significantly, most of the 21 agencies which had found benefit in the Conference recommendations were also among the agencies in which some official or staff committee was charged with responsibility for continuous study of procedural rules. Only 5 agencies had pending any public rulemaking proceedings looking toward the adoption of procedural rules.¹

With the cooperation of the respective agencies, necessary information with respect to rulemaking proposals under consideration is now furnished to the Office through the 47 respective liaison officers. Moreover, it is believed that all of the agencies now have under study and consideration the recommendations of the President's Conference.

¹ It should be observed that under the Administrative Procedure Act public proceedings are not required for adoption of Rules of Procedure. 5 U.S.C. 1003(a).

Review of Procedural Legislation

Agency procedures are based upon statutory authority. From time to time new statutory authority is given and new procedures are written into statute. Since the extent to which procedural adequacy, uniformity, and economy may be achieved through agency action depends in large measure upon procedural limitations imposed by statute, procedural provisions of proposed legislation obviously are of prime importance.

In the belief that procedural improvement might be effectuated thereby, the Office began a program of examination of legislative proposals made by Executive departments and agencies prior to their submission to the Congress and of review of the procedural aspects of certain bills pending before the Congress.

Whenever the Department of Justice is asked to comment upon pending or proposed legislation and that request is transmitted to the Office of Legal Counsel, the Office of Administrative Procedure is asked to review the procedural aspects of the proposal. No comment is made upon the merits of any proposed regulatory scheme. Examination is made to determine whether the proposed procedures are lawful in the constitutional sense, whether they conform to the pattern of the Administrative Procedure Act, and whether they are uniform with other procedures in the same field and related fields. Inquiry is made as to whether the procedures are fair to all concerned, including the Government, the public, and those to be regulated. If the procedures appear to be reasonable and uniform (to the extent that uniformity may be practicable) inquiry is made as to whether the procedures are clear and simple and whether they are designed to accomplish the regulatory purpose with economy and dispatch. If after evaluation the proposals appear to have substantial defects, or may be substantially improved, informal conference with the staff of the affected agency may be sought. To the extent that the affected agency agrees, the proposal may be revised and resubmitted along the indicated lines. No agency, of course, is required to accept the views of this Office. Where comment is to be made by the Department of Justice to the Congress, the procedural review by this Office is considered within the Department in preparation of the departmental comment.

Under this program the Office reviewed the procedural aspects of 63 legislative proposals, of which 12 were the subject of informal conference with sponsors outside the Department of Justice. These reviews are included in the statistical summary either as the subjects of intradepartmental study and assignment or as special assignments.

Recognition and Discipline of Lawyers

It was said in 1938 that a lawyer who chose to qualify himself for general practice in the District of Columbia would be required to file 14 applications, obtain 10 clerk certificates and one personal certification of a judge, submit to 7 investigations as to character, take 1 examination, take 14 oaths, enter his name on 14 rolls, and be subject to discipline by 23 or more agencies.² But, in recent years, there has been increasing acceptance of the proposition that every lawyer in good standing at the bar of Federal and State courts is entitled to practice before Federal agencies without the necessity of complying with formal admission requirements. In fact, most Federal administrative agencies have not found it necessary to adopt formal procedures for admission of lawyers to practice in adversary proceedings.

However, at the beginning of the year 1957, ten Federal administrative agencies, excluding the Tax Court, still had rules for formal admission of attorneys. In May 1957, the Office prepared and distributed publicly and to these ten agencies an analysis of the admission problem,³ which included a recommendation that the agencies dispense with their formal admission procedures and adopt in lieu thereof a proposed uniform rule which would make eligible to practice any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any State, Territory, or of the District of Columbia, and who is not under any order of any court restricting him in the practice of law. Text of the proposed rule is set forth in the Appendix to this report at page 51.

Four agencies (General Accounting Office, Federal Communications Commission, Civil Service Commission, Post Office Department) have recently rewritten their rules so as to adopt in substance the language of the proposal. A fifth (Subversive Activities Control Board) has adopted the rule, effective January 16, 1958. Only one agency (Patent Office) has declined to adopt the proposal. The other five agencies have the proposal under consideration. These, with citations to their present requirements, are set forth in the Appendix at page 51.

Companion to the problem of "admission of attorneys" is that of "recognition of attorneys." Those who practice before administrative agencies are concerned with the differences in agency practices with respect to service of notices, pleadings, and other written communications upon lawyers. A number of

² Bar Association of the District of Columbia Committee on Administrative Practice, Admission to and Control Over Practice Before Federal Administrative Agencies, 1938.
³ Admission of Attorneys to Practice Before Federal Administrative Agencies--An Analysis and Recommendation, May 1957.

bar associations and individual lawyers have made suggestions looking toward some degree of uniformity in this area. Working with a committee of the American Bar Association's Section of Administrative Law and with members of the Federal Bar Association and the District of Columbia Bar Association the Office has prepared and circulated for agency consideration a proposed rule, which, if adopted, would make certain that when any participant in any matter pending before an agency is represented by a lawyer, and that fact has been made known in writing to the agency, service of any notice or other written communication would be upon the lawyer. Text of the proposed rule, which is set forth in the Appendix at page 51, embodies the substance of rules and practices now prevailing before many agencies.

While attorneys in good standing should be fully recognized by Government agencies, it by no means follows that attorneys should be entirely free from regulation by the agencies. Provisions should be made for simple, adequate, and uniform agency rules for discipline of attorneys who are guilty of misconduct or who fall short of a high standard of professional integrity. The Office now has under study measures to be taken to improve and make uniform agency rules for discipline of attorneys. As a part of that study there has been prepared a tabulation of existing agency rules with appropriate citations. This table appears in the Appendix at page 53.

Hearing Procedures

Continuous study of agency procedures for the conduct of administrative hearings is a major field of activity. It includes broadly the adequacy, efficiency, and uniformity of such procedures as used throughout the Government. It includes study and recommendation with respect to major revisions of agency codes, such as that recently adopted by the Federal Communications Commission⁴ or it may relate to preparation of a draft of a single rule for a single agency, as in the case of a recently adopted rule for the taking of depositions to be used in Post Office Department hearings (22 F.R. 3316). Numerically the individual studies for specific rulemaking proposals, whether major (affecting more than one agency or subject) or minor (affecting a single agency and subject), are included in the total of 17 rulemaking studies stated in the statistical summary.

During the past year considerable interest has been expressed and work done with respect to agency provisions for Official Notice, Service of Process, Subpoenas, Deposition

⁴ 22 F.R. 10981 et seq. This revision, completed December 1957, was adopted after public hearings and extensive conferences with the agency bar and others interested. Its unique features include procedures for substantive rulemaking proceedings.

and Interrogatories, and the use of Prehearing Conference techniques. Except for the latter, each of these was the subject of an illustrative rule published as a part of the Report of the President's Conference. As aids to Office study, charts have been made identifying the salient features of present agency rules on each subject. In the hope that the charts may prove useful to those interested in developing uniform and adequate rules on the respective subjects the charts are published in the Appendix to this report, along with the illustrative rules of the President's Conference on the same subjects.

No broad and continuing study of hearing procedures could ignore the procedures used for disposition of cases before hearing examiners. Assessment of these procedures has led to inquiry concerning the function and scope of the entire hearing examiner process. Initial efforts in this area have resulted in collection of the hearing statistics, some of which are published in Part II of this report.

PART II--HEARING STATISTICS

This office has been directed to collect and publish facts and statistics concerning the procedures of the departments and agencies of the Federal Government. Selection of the hearing process as the object for initial statistical treatment was dictated largely by a desire to ascertain some basic facts about the size of the hearing process which is the subject of such widespread interest among Government officials, the bar, and the public, and by the belief that publication of material relative to the hearing process would be useful in connection with the continuing study and improvement of such process.

Accordingly, in the fall of 1957, each of the 21 departments and agencies which regularly employed hearing examiners was requested to furnish information with respect to proceedings before examiners during the fiscal year 1957. All of the departments and agencies furnished the requested data, insofar as such data were available, and their responses are embodied in the nine statistical tables which follow. A few proceedings were conducted by agencies which do not regularly employ hearing examiners and which had to borrow them temporarily for such purpose. These proceedings, generally, were of such nature as to be outside the scope of this report. Data thereon are not included.

This initial report is limited, first, as to the kinds of proceedings included, and second, as to the stages of these proceedings. It covers only those matters in which, under ordinary circumstances, hearing examiners appointed pursuant to Section 11 of the Administrative Procedure Act conduct evidentiary hearings and prepare written decisions on the basis of the records of such hearings.

It is limited further to data concerning only so much of these proceedings as are in the hands of hearing examiners, thereby excluding data relative to the administrative processing of petitions, applications, etc., before they have been assigned to examiners, as well as agency consideration following the examiners' decisions.

The purpose of the report is to provide fundamental information relative to the scope of this particular segment of the administrative process, in terms of types of proceedings, the volume of each type handled by each agency during fiscal 1957, the manner of disposition of proceedings within each type, and time involved therein.

For the purposes of this report the term "proceeding" means a matter referred to an examiner for hearing and

decision by him even though it may involve several petitions, applications, etc. Thus, although a consolidated proceeding may involve several claimants or applicants and several docket numbers, if it looks toward resolution by means of one joint hearing and a single decision binding upon all parties, it is here reported as one "proceeding."

Each agency was asked to assort the proceedings before its examiners during the year into types according to similarities and differences in scope, function, relief available, complexity, etc., as well as by statutory or regulatory authority. Requested data were furnished separately for each type of proceeding. The agencies' division into types is the division employed in these tables, although the characterizations have been changed in several instances for purposes of abbreviation.

Table I gives the number of proceedings of each type for each agency pending before examiners on July 1, 1956, the year's input in new cases assigned and cases remanded or reassigned, the examiners' total output during the year, and the balance still pending before examiners on June 30, 1957. Although the totals for all 21 agencies show an increase from 8,287 proceedings pending before examiners at the beginning of the fiscal year to 13,683 pending at the end of the year, the increase in Social Security appeals under the new disability benefits program exceeds the total increase, so that the total figures for the other 20 agencies show a net reduction in backlog.

Table II demonstrates the manner in which pendency before examiners was terminated during fiscal 1957. Of the total number of proceedings disposed of (16,849), approximately 78.8% were by decision on the merits in contested cases.

Table III indicates the age of proceedings pending before examiners at the end of the fiscal year. For this purpose the age of a proceeding was measured from the date of assignment to an examiner to June 30, 1957. Except for Social Security appeals, and Interior Department Indian probate cases as to which age data were not available, approximately 10.5% of the cases pending before examiners at the end of fiscal 1957 had been assigned to examiners for over a year.

Table IV illustrates the extent to which the several agencies employ "shortened procedures" whereby examiners issue decisions on the merits without evidentiary hearings. Of the total number of proceedings disposed of by examiners during the year (16,849), a 21-agency total of 11,696 (69.4%) were disposed of by decisions on the merits after evidentiary hearings, and 1590 (9.4%) by decisions on the merits based upon written submissions, without evidentiary hearings.

Table V demonstrates the length of time involved from assignment of a proceeding to an examiner to decision on the merits by the examiner when disposed of by "shortened procedure," as compared with the corresponding time for the disposition of the same types of proceedings by the regular hearing process. As to Interstate Commerce Commission proceedings on rates, fares, and charges, the type of proceeding in which there was the greatest use of shortened procedures, almost one-fourth of the shortened procedure cases were disposed of in one month or less, and one-half of them within 3 months, whereas none of the hearing cases was decided within one month of assignment and less than one-third were disposed of in 3 months or less. Similarly, the data with respect to Interstate Commerce Commission proceedings on applications for certificates of convenience and necessity show that three-fourths of the shortened procedure cases were decided by examiners in 3 months or less, while only slightly more than one-half of the hearing cases had reached the report stage in that period of time. As to CAB safety enforcement proceedings, wherein approximately four out of five cases were disposed of by shortened procedures, less than 30% of the shortened procedure cases were decided by the examiner within 3 months, whereas 53% of the cases in which hearings were held were disposed of within that time. However, these CAB proceedings which are here reported as "shortened" proceedings, are more appropriately referred to as "non-hearing cases." These procedures are used, not to save time, but rather, as a convenience to the parties where oral hearing is unnecessary and as a means of eliminating travel, cost of transcripts, etc.

Table VI indicates the over-all time from assignment to an examiner to decision by the examiner in regular hearing cases.

Table VII shows, for the same proceedings, the time from assignment to an examiner to the opening of the hearing. For purposes of this table the reporting agencies were asked to consider the hearing to have opened at the beginning of the receipt of testimony.

Table VIII furnishes data with respect to the time involved in subsequent stages of the proceeding. It gives the average number of days of hearing in each type of proceeding and indicates the period of time from the end of the hearing to final submission to the examiner for decision (generally time when the last brief is filed), and the period from time to the date the examiner issues his decision. It shows the number of proceedings in which pre-hearing conferences were held, the number which were at some time suspended on interlocutory appeals, and the number in which the hearing had to be reopened prior to the issuance of the examiner's decision.

Information relative to the time involved in examination of cases and data as to the age of cases, not available from the regular reports of the Social Security Administration hearing examiners in the field (4,202 proceedings disposed of in fiscal 1957), or from the Interstate Department Examiners of Inheritance (2,319 proceedings in 1957). The large volume of proceedings before these agencies prohibited obtaining the requested information through special search of the case files in the field offices. Such special search was made, however, on a sample of 105 cases before a single Examiner of Inheritance to provide an indication as to the age of proceedings pending at the end of the year. Similarly, time data for the full year on proceedings before Interstate Commerce Commission examiners are not available from the Commission's new Central Status System which was instituted in January 1957. However, complete data are available for the 6 months from January through June 1957, the figures showing the time involved in the various stages of ICC proceedings are, accordingly, computed by extension of this 6-months' sampling.

Table IX shows the number of examiners regularly employed by each of the 21 reporting agencies and the number borrowed or loaned on a temporary basis. Treasury Department, Director of Practice cases and Internal Revenue Service, Alcohol and Tobacco Tax cases are handled by the special examiners. In assembling this material we asked the reporting agencies to indicate the approximate dates of all changes in examiner staff in order that we might be able to compute the man-years of examiner time available to each agency. The total number of days spent by examiners in pre-hearing conferences and hearings in all types of proceedings, as reported by the agencies, was divided by the computed man-years figure to show the average number of days spent in hearings and conferences per man-year. For this purpose the agencies were asked to consider as a day of hearing or pre-hearing any day on which the examiner presided, whether for a full day or only a small part of the day, and whether in one proceeding or several. For the 18 agencies for which the data were furnished the weighted average per man-year was 11.4 days. Similarly, the total number of examiner decisions on the merits in regular hearing cases and shortened procedure cases, as reported by each agency, was divided by the man-years figure to arrive at the average number of decisions on the merits issued per man-year. The last column shows the total number of proceedings before each agency which were assigned to examiners for conduct of hearing only, with the intention that the examiner not issue a decision, but instead, certify the record to the agency for decision by the agency or agency staff.

It is believed that these tables will be useful in assessing performance under existing procedures and in pointing

way toward uniformity of procedures, elimination of unnecessary delays, and other improvements in the hearing process, both on account of the information they furnish relative to fiscal 1957 and as a basis for comparison with data subsequently collected. However, comparisons among agencies or of types of proceedings within a given agency should be attempted only in light of the many significant differences among the types of proceedings and agencies.

TABLE I.--PROCEEDINGS PENDING BEFORE EXAMINERS DURING THE FISCAL YEAR 1957

BACKLOG AND VOLUME DATA

Types of proceedings reported by the agencies	No. of cases pending July 1, 1956	New cases assigned during 1957	Old cases remanded during 1957	Cases disposed of by examiners during 1957	No. of cases pending June 30, 1957
AGRICULTURE DEPARTMENT					
AMA marketing order contests, 7 U.S.C. 608c(15)(A).....	2	10	-	3	9
CEA and P&S cease and desist orders, 7 U.S.C. 13a, 193, 211.....	1	2	-	-	3
P&S license revocation or suspension and cease and desist orders, 7 U.S.C. 204, 205, 213, 218d.....	2	24	1	20	7
PACA license denial, 7 U.S.C. 499d.....	-	3	1	4	-
CEA and PACA license revocation or suspension, 7 U.S.C. 6h, 499h.....	4	4	-	6	2
CEA suspension of trading privileges, 7 U.S.C. 9.....	1	2	-	2	1
Totals.....	10	45	2	35	22
CIVIL AERONAUTICS BOARD					
Route licensing, 49 U.S.C. 481.....	27	19	-	31	15
Foreign permits, 49 U.S.C. 482.....	6	18	-	15	9
Adequacy of service, 49 U.S.C. 484.....	1	1	-	-	2
Mail rates, 49 U.S.C. 486.....	2	3	-	4	1
Carrier relations, 49 U.S.C. 488, 489.....	3	18	-	12	9
Exemptions, 49 U.S.C. 496.....	-	1	-	-	1
Commercial rates, 49 U.S.C. 642.....	3	10	-	7	6
Economic Enforcement, 49 U.S.C. 401-722.....	4	12	-	9	7
Medical review, 49 U.S.C. 552.....	12	39	-	32	19
Safety enforcement, 49 U.S.C. 559.....	199	960	1	534	226
Totals.....	257	681	1	644	275
CIVIL SERVICE COMMISSION					
Hatch Act violations, 5 U.S.C. 118k.....	2	-	-	2	-
FEDERAL COMMUNICATIONS COMMISSION					
Broadcast, 47 U.S.C. 309, 312, 316, 325, 405, 409.....	82	112	14	140	43
Common Carrier, 47 U.S.C. 204, 205, 214, 221, 222.....	15	18	1	22	12
Safety & Spec. Radio Serv., 47 U.S.C. 359.....	4	10	-	7	7
Field Eng'ng. & Maint'ng, 47 U.S.C. 303(m)(2).....	4	3	-	7	-
Totals.....	105	143	15	176	62
FEDERAL MARITIME BOARD					
Regulatory, 46 U.S.C. 813, 822, 845, 861 et seq.....	21	5	-	10	16
Subsidy, 46 U.S.C. 1101 et seq.....	6	4	-	3	7
Charter, 50 U.S.C. App. 1738.....	-	10	1	11	-
Totals.....	27	19	1	24	23
FEDERAL POWER COMMISSION					
NCA export or import applications, 15 U.S.C. 717b.....	1	1	-	-	1 2
NCA new schedule investigations, 15 U.S.C. 717c(e).....	15	11	4	15	1 15
NCA rate determinations, 15 U.S.C. 717d(a).....	1	4	-	2	2 3
NCA new schedule suspensions and rate determinations, 15 U.S.C. 717c(e), 717d(a).....	4	10	-	4	1 10
NCA extension of transportation facilities, 15 U.S.C. 717f(a).....	1	8	-	6	3
NCA abandonment of service permits, 15 U.S.C. 717f(b).....	-	14	-	14	-
NCA certificates of convenience and necessity, 15 U.S.C. 717f(c).....	13	259	1	268	3 5
NCA certificates for construction or abandonment, 15 U.S.C. 717f(b), (c).....	1	40	-	39	2
NCA \$7 certificates other than 7(c) certificates, 15 U.S.C. 717f(e).....	-	1	-	1	-
FPA project works construction licenses, 16 U.S.C. 797(e).....	1	2	-	2	1
Totals.....	37	390	5	391	41
FEDERAL TRADE COMMISSION					
Cease and desist orders, 15 U.S.C. 21, 45, 52, 68d, 69f, 1194.....	181	241	5	231	196
HEALTH, EDUCATION & WELFARE DEPT.					
FOOD AND DRUG ADMINISTRATION					
Suspension of new drug applications, 21 U.S.C. 355(e).....	-	2	-	2	-
SOCIAL SECURITY ADMINISTRATION					
Appeals from benefit rights determinations, 42 U.S.C. 405.....	2,501	12,737	-	6,331	8,907

See footnotes at end of table.

TABLE I.--PROCEEDINGS PENDING BEFORE EXAMINERS DURING THE FISCAL YEAR 1957--Continued

BACKLOG AND VOLUME DATA

Types of proceedings reported by the agencies	No. of cases pending July 1, 1956	New cases asn'd during 1957	Old cases remanded during 1957	Cases disposed of by ex'rs during 1957	No. of cases pending June 30, 1957
INTERIOR DEPARTMENT					
BUREAU OF LAND MANAGEMENT					
Government contests, 43 CFR 221.67 221.68.....	87	144	1	125	107
Private contests, 43 CFR 221.51.....	18	20	-	19	19
Placer mining, 30 U.S.C. 621(b).....	-	9	-	-	9
Appeals from range managers' decisions, 43 U.S.C. 315h.....	120	64	-	76	103
Enforcement proceedings, 43 U.S.C. 315a.....	-	4	-	3	1
Totals.....	225	241	1	223	244
OFFICE OF THE SOLICITOR					
Indian probate cases, 25 U.S.C. 372, 373.....	2,512	1,659	1	2,320	1,832
INTERSTATE COMMERCE COMMISSION					
Certificates of convenience and necessity, 49 U.S.C. 1(19), 1(21), 6(11), 305, 909, 1010.....	1,186	2,740	-	3,000	926
Finance, transfer of operating authority, 49 U.S.C. 312, 912, 1010.....	173	206	-	252	127
Rates, fares, and charges, 49 U.S.C. 6(6), 16(1), 906(e), 908(d), 1005.....	598	811	-	894	515
Bankruptcy Act reorganizations, 11 U.S.C. 205.....	1	1	-	-	2
Compliance and rule investigations, 49 U.S.C. 305(e), 312, 904(e), 1010(f).....	23	78	-	54	47
Totals.....	1,981	3,836	-	4,200	1,617
JUSTICE DEPARTMENT					
OFFICE OF ALIEN PROPERTY					
Claims on merits, 50 U.S.C. App. 9, 32, 34.....	102	72	-	86	88
Motions to dismiss.....	5	21	-	16	10
Totals.....	107	93	-	102	98
LABOR DEPARTMENT					
Walsh-Healey Act enforcement, 41 U.S.C. 43a.....	14	35	-	31	18
Davis-Bacon Act minimum wage determinations, 40 U.S.C. 276a.....	-	1	-	1	-
Totals.....	14	36	-	32	18
NATIONAL LABOR RELATIONS BOARD					
CA cases (unfair practices by employer), 29 U.S.C. 158(a), 160(b).....	24	191	7	179	43
CB cases (unfair practices by union) 29 U.S.C. 158(b)(1)(2)(3)(5)(6), 160(b).....	81	41	-	116	6
CC cases (unfair practices by union) 29 U.S.C. 158(b)(4)(A)(B)(C), 160(b).....	(5)	62	-	58	4
CD cases (unfair practices by union) 29 U.S.C. 158(b)(4)(D), 160(b), (k).....	5	3	-	8	-
CA-CB cases, 29 U.S.C. 160(b).....	(5)	55	2	46	11
CA-RC cases, 29 U.S.C. 160(b).....	3	4	-	6	1
CB-CC cases, 29 U.S.C. 160(b).....	-	7	-	6	1
CC-CD cases, 29 U.S.C. 160(b).....	-	1	-	1	-
RC cases (employee petitions for certification of representatives) 29 U.S.C. 159(c)(1)(A)(1).....	3	15	-	18	-
Totals.....	116	379	9	438	66
POST OFFICE DEPARTMENT					
Fraud orders, 39 U.S.C. 259, 732.....	41	166	1	166	42
"Unlawful" orders, 39 U.S.C. 259a.....	16	54	1	51	20
Mailability cases, 18 U.S.C. 1461.....	-	2	-	2	-
Second class mail privilege, 39 U.S.C. 232.....	3	9	-	7	5
Totals.....	60	231	2	226	67
SECURITIES AND EXCHANGE COMMISSION					
Stop orders, SA of '33, 15 U.S.C. 77h(d).....	1	20	-	19	2
Denial or revocation of broker or dealer registration, SEA of '34, 15 U.S.C. 78o(b), 78o-3(1).....	9	53	-	56	6
Suspension or withdrawal of registration, SEA of '34, 15 U.S.C. 78e(a).....	-	7	-	1	6
Sales or acquisition of assets, PURCA of '35, 15 U.S.C. 79g, 79j.....	-	11	-	9	2
Exemptions under PURCA, 15 U.S.C. 79a.....	-	1	-	1	-
Exemptions under ICA, 15 U.S.C. 80a-3, 80a-6, 80a-17, 80a-39.....	-	2	-	2	-

See footnotes at end of table.

TABLE 1.--PROCEEDINGS PENDING BEFORE EXAMINERS DURING THE FISCAL YEAR 1957--Continued

BACKLOG AND VOLUME DATA

Types of proceedings reported by the agencies	No. of cases pending July 1, 1956	New cases assign'd during 1957	Old cases remanded during 1957	Cases disposed of by ex'mrs during 1957	No. of cases pending June 30, 1957
SECURITIES AND EXCHANGE COMMISSION--Continued					
Revocation or denial of investment adviser registration, 15 U.S.C. 80b-3.....	1	2	-	12 2	1
PURCA Reorganization plans, 15 U.S.C. 79k.....	1	-	-	-	1
Totals.....	12	96	-	90	18
SUBVERSIVE ACTIVITIES CONTROL BOARD					
Alleged communist-front and communist-infiltrated organizations, 50 U.S.C. 792(c), 792a.....	14 4	5	-	3	6
TREASURY DEPARTMENT					
COAST GUARD					
Suspension or revocation of marine licenses, 46 U.S.C. 239, 239b.....	122	1,353	3	1,370	108
DIRECTOR OF PRACTICE					
Disbarment and suspension, 5 U.S.C. 261.....	2	2	1	4	1
INTERNAL REVENUE SERVICE					
ALCOHOL & TOBACCO TAX DIVISION					
Permit proceedings, 26 U.S.C. 5304, 5712, 5713, 27 U.S.C. 204.....	12	49	1	45	17
GRAND TOTALS - 21 AGENCIES.....	8,287	22,198	47	16,849	13,683

- ¹ In 1 case the hearing was recessed pending further order of the Commission.
- ² In 2 cases the hearings were recessed pending further order of the Commission.
- ³ In 4 cases the hearings were recessed pending further order of the Commission.
- ⁴ Includes 76 cases "disposed of" by consolidation.
- ⁵ Figure given represents total input. Data available do not indicate how many of these cases were assigned to examiners prior to July 1, 1956.
- ⁶ May include some cases assigned to examiners prior to July 1, 1956.
- ⁷ Includes 81 cases "disposed of" by consolidation.
- ⁸ Includes 20 default cases and 125 cases disposed of by agreements to discontinue.
- ⁹ Includes 17 default cases and 7 cases disposed of by agreements to discontinue.
- ¹⁰ Includes 9 cases in which examiner decision was waived under Rule III(e).
- ¹¹ Includes 43 cases in which examiner decision was waived under Rule III(e).
- ¹² Examiner decision waived under Rule III(e).
- ¹³ Examiner decision waived in one of these 2 cases.
- ¹⁴ Cases heard by examiner or by members of the Board.

TABLE II--PROCEEDINGS DISPOSED OF BY EXAMINERS DURING THE FISCAL YEAR 1957

MANNER OF DISPOSITION

Types of proceedings reported by the agencies	Ex'mrs. decision on the merits	Dismissal on proce- dural grounds		Voluntary with- drawal		Removal from ex'mr. for Agency Action		Other
		Be- fore	After	Be- fore	After	Be- fore	After	
		Hearing	Hearing	Hearing	Hearing	Hearing	Hearing	
AGRICULTURE DEPARTMENT								
AMA marketing order contests, 7 U.S.C. 608c(15)(A).....	1	-	-	-	2	-	-	
CEA and P&S cease and desist orders, 7 U.S.C. 13a, 193, 211.....	-	-	-	-	-	-	-	
P&S license revocation or suspension and cease and desist orders, 7 U.S.C. 204, 205, 213, 218d.....	12	-	-	4	-	3	1	
PACA license denial, 7 U.S.C. 499d.....	4	-	-	-	-	-	-	
CEA and PACA license revocation or suspension, 7 U.S.C. 6g, 499h.....	6	-	-	-	-	-	-	
CEA suspension of trading privileges, 7 U.S.C. 9.....	1	-	1	-	-	-	-	
Totals.....	24	-	1	4	2	3	1	
CIVIL AERONAUTICS BOARD								
Route licensing, 49 U.S.C. 481.....	31	-	-	-	-	-	-	
Foreign permits, 49 U.S.C. 482.....	15	-	-	-	-	-	-	
Adequacy of service, 49 U.S.C. 484.....	-	-	-	-	-	-	-	
Mail rates, 49 U.S.C. 486.....	2	-	-	-	-	-	-	
Carrier relations, 49 U.S.C. 488, 489.....	11	1	-	-	-	-	-	
Exemptions, 49 U.S.C. 496.....	-	-	-	-	-	-	-	
Commercial rates, 49 U.S.C. 642.....	6	1	-	-	-	-	-	
Economic Enforcement, 49 U.S.C. 401-722.....	5	3	1	-	-	-	-	
Medical review, 49 U.S.C. 552.....	28	-	-	3	-	-	1	
Safety enforcement, 49 U.S.C. 559.....	514	-	-	18	1	-	1	
Totals.....	612	5	1	21	1	-	2	
CIVIL SERVICE COMMISSION								
Hatch Act violations, 5 U.S.C. 118k.....	2	-	-	-	-	-	-	
FEDERAL COMMUNICATIONS COMMISSION								
Broadcast, 47 U.S.C. 309, 312, 316, 325, 405, 409.....	85	12	1	17	4	9	2	10
Common Carrier, 47 U.S.C. 204, 205, 214, 221, 222.....	16	3	-	2	-	-	-	1
Safety & Spec. Radio Serv., 47 U.S.C. 359.....	4	-	-	-	1	-	-	2
Field Engr'g. & Montr'g., 47 U.S.C. 303(m)(2).....	5	-	-	-	-	-	-	2
Totals.....	110	15	1	19	5	9	2	15
FEDERAL MARITIME BOARD								
Regulatory, 46 U.S.C. 813, 822, 845, 861 et seq.....	9	-	1	-	-	-	-	
Subsidy, 46 U.S.C. 1101 et seq.....	3	-	-	-	-	-	-	
Charter, 50 U.S.C. App. 1738.....	10	-	-	-	1	-	-	
Totals.....	22	-	1	-	1	-	-	
FEDERAL POWER COMMISSION								
NGA export or import applications, 15 U.S.C. 717b.....	-	-	-	-	-	-	-	
NGA new schedule investigations, 15 U.S.C. 717c(e).....	14	-	-	-	-	-	-	1 1
NGA rate determinations 15 U.S.C. 717d(a).....	2	-	-	-	-	-	-	
NGA new sched. suspensions and rate determina- tions, 15 U.S.C. 717c(e), 717d(a).....	3	-	-	-	-	-	-	1 1
NGA extension of transportation facilities, 15 U.S.C. 717f(a).....	3	-	-	-	-	-	-	2 3
NGA abandonment of service permits, 15 U.S.C. 717f(b).....	-	-	-	-	-	-	-	2 14
NGA certificates of convenience and necessity, 15 U.S.C. 717f(c).....	9	-	-	-	-	-	-	2 259
NGA certificates for construction or abandonment, 15 U.S.C. 717f(b), (c).....	1	-	-	-	-	-	-	2 38
NGA §7 certificates other than 7(c) certifi- cates, 15 U.S.C. 717f(e).....	-	-	-	-	-	-	-	2 1
FPA project works construction licenses, 16 U.S.C. 797(e).....	-	-	-	-	-	-	-	2 2
Totals.....	32	-	-	-	-	-	-	319

See footnotes at end of table.

TABLE II--PROCEEDINGS DISPOSED OF BY EXAMINERS DURING THE FISCAL YEAR 1957--Continued

Types of proceedings reported by the agencies	Ex'mrs. decision on the merits	Dismissal on procedural grounds		Voluntary withdrawal		Removal from ex'mr. for Agency Action		Other
		Be-fore	Af-ter	Be-fore	Af-ter	Be-fore	Af-ter	
		Hearing	Hearing	Hearing	Hearing	Hearing	Hearing	
FEDERAL TRADE COMMISSION Cease and desist orders, 15 U.S.C. 21, 45, 52, 65d, 69f, 1194.....	3 227	-	3	1	-	-	-	-
HEALTH, EDUCATION & WELFARE DEPT. FOOD AND DRUG ADMINISTRATION Suspension of new drug applications, 21 U.S.C. 355(e).....	-	-	-	-	-	2	-	-
SOCIAL SECURITY ADMINISTRATION Appeals from benefit rights determinations, 42 U.S.C. 405.....	4,202	-	-	2,129	-	-	-	-
INTERIOR DEPARTMENT BUREAU OF LAND MANAGEMENT Government contests, 43 CFR 221.67, 221.68.... Private contests, 43 CFR 221.51..... Placer mining, 30 U.S.C. 621(b)..... Appeals from range managers' decisions, 43 U.S.C. 315h..... Enforcement proceedings, 43 U.S.C. 315a.....	83 7 - 28 3	16 5 - 13 -	- - - - -	25 7 - 21 -	1 - - 14 -	- - - - -	- - - - -	- - - - -
Totals.....	121	34	-	53	15	-	-	-
OFFICE OF THE SOLICITOR Indian probate cases, 25 U.S.C. 372, 373.....	2,319	-	-	-	-	-	4 1	-
INTERSTATE COMMERCE COMMISSION Cert. of conven. and nec., 49 U.S.C. 1(19), 1(21), 6(11), 305, 909, 1010..... Finance, transfer of operating authority, 49 U.S.C. 312, 912, 1010..... Rates, fares, and charges, 49 U.S.C. 6(6), 16(1), 906(e), 908(d), 1005..... Bankruptcy Act reorganizations, 11 U.S.C. 205... Compliance and rule investigations, 49 U.S.C. 305(e), 312, 904(e), 1010(f).....	2,793 252 824 41	47 - 70 13	160 - (5) (5)	- - - -	- - - -	- - - -	- - - -	- - - -
Totals.....	3,910	130	160	-	-	-	-	-
JUSTICE DEPARTMENT OFFICE OF ALIEN PROPERTY Claims on merits, 50 U.S.C. App. 9, 32, 34.... Motions to dismiss.....	78 16	- -	- -	- -	- -	7 -	1 -	- -
Totals.....	94	-	-	-	-	7	1	-
LABOR DEPARTMENT Wahsh-Healey Act enforcement, 41 U.S.C. 43a.... Davis-Bacon Act minimum wage determinations, 40 U.S.C. 276a.....	21 1	- -	- -	10 -	- -	- -	- -	- -
Totals.....	22	-	-	10	-	-	-	-
NATIONAL LABOR RELATIONS BOARD A cases (unfair practices by employer), 29 U.S.C. 158(a), 160(b)..... CB cases (unfair practices by union) 29 U.S.C. 158(b)(1)(2)(3)(5)(6), 160(b)..... CC cases (unfair practices by union) 29 U.S.C. 158(b)(4)(A)(B)(C), 160(b)..... CD cases (unfair practices by union) 29 U.S.C. 158(b)(4)(D), 160(b)..... CA-CB cases, 29 U.S.C. 160(b)..... CA-CC cases, 29 U.S.C. 160(b)..... CB-CC cases, 29 U.S.C. 160(b)..... CC-CD cases, 29 U.S.C. 160(b)..... RC cases (employee petitions for certification of representative) 29 U.S.C. 159(a)(1)(A)(1).....	148 33 41 8 31 5 3 1 18	- - - - - - - - -	- - - - - - - - -	11 5 11 - 11 - 2 - -	18 2 5 - 3 1 - - -	- - - - - - - - -	- - - - - - - - -	6 2 6 76 6 1 - 6 1 - 6 1 - -
Totals.....	288	-	-	40	29	-	-	6 81

See footnotes at end of table.

TABLE II--PROCEEDINGS DISPOSED OF BY EXAMINERS DURING THE FISCAL YEAR 1957--Continued

Types of proceedings reported by the agencies	Ex'mrs. decision on the merits	Dismissal on procedural grounds		Voluntary withdrawal		Removal from ex'mr. for Agency Action		Other
		Be-fore	Ac-ter	Be-fore	Ac-ter	Be-fore	Ac-ter	
		Hearing	Hearing	Hearing	Hearing	Hearing	Hearing	
POST OFFICE DEPARTMENT								
Fraud orders, 39 U.S.C. 259, 732.....	7 36	-	-	5	-	-	-	9 125
"Unlawful" orders, 39 U.S.C. 259a.....	8 42	-	-	2	-	-	-	9 7
Mailability cases, 18 U.S.C. 1461.....	2	-	-	-	-	-	-	-
Second class mail privilege, 39 U.S.C. 232.....	5	-	-	2	-	-	-	-
Totals.....	85	-	-	9	-	-	-	9 132
SECURITIES AND EXCHANGE COMMISSION								
Stop orders, SA of '33, 15 U.S.C. 77h(d).....	10	-	-	-	-	-	-	10 9
Denial or revoc. of broker or dealer registration, SEA of '34, 15 U.S.C. 78o(b), 78o-3(1), Suspension or withdrawal of registration, SEA of '34, 15 U.S.C. 78s(a).....	13	-	-	-	-	-	-	10 43
Sales or acquisition of assets, PUHCA of '35, 15 U.S.C. 79g, 79j.....	-	-	-	-	-	-	-	10 1
Exemptions under PUHCA, 15 U.S.C. 79c.....	-	-	-	-	-	-	-	10 9
Exemptions under ICA, 15 U.S.C. 80a-3, 80a-6, 80a-17, 80a-39.....	1	-	-	-	-	-	-	10 1
Revoc. or denial of investment adviser registration, 15 U.S.C. 80b-3.....	-	-	-	-	-	-	-	10 2
PUHCA Reorg. plans, 15 U.S.C. 79k.....	-	-	-	-	-	-	-	-
Totals.....	24	-	-	-	-	-	-	10 66
SUBVERSIVE ACTIVITIES CONTROL BOARD								
Alleged communist-front and communist-infiltrated organizations, 50 U.S.C. 792(a), 792a.....	11 3	-	-	-	-	-	-	-
TREASURY DEPARTMENT								
COAST GUARD								
Suspension or revocation of marine licenses, 46 U.S.C. 239, 239b.....	1,354	2	7	3	1	-	12 3	-
DIRECTOR OF PRACTICE								
Disbarment and suspension, 5 U.S.C. 261.....	2	1	-	13 1	-	-	-	-
INTERNAL REVENUE SERVICE								
ALCOHOL & TOBACCO TAX DIVISION								
Permit proceedings, 26 U.S.C. 5304, 5712, 5713, 27 U.S.C. 204.....	34	-	2	3	2	-	-	14 4
GRAND TOTALS - 21 AGENCIES.....	13,487	187	176	2,293	56	21	10	619

1 Settlement.

2 Intermediate decision waived under 18 CFR 1.30(c).

3 155 consent decisions and 72 decisions in contested cases.

4 Backlog indicated; therefore, record certified to Solicitor for decision under 25 CFR 81.21, 17 F.R. 6793.

5 Cases dismissed either on procedural grounds or by withdrawal.

6 Lost by consolidation.

7 Includes 20 default cases.

8 Includes 17 default cases.

9 Terminated by agreements to discontinue.

10 Examiner decision waived under Rule III(e).

11 Heard and decided by either an examiner or a Board member.

12 1 voluntary surrender and 2 change of venue.

13 Dismissed without prejudice on motion of the Government.

14 1 Default, 3 compromise.

TABLE III.--AGE OF PROCEEDINGS PENDING BEFORE EXAMINERS AT THE END OF THE FISCAL YEAR 1957

Types of proceedings reported by the agencies	Total cases pending June 30, 1957	Pending before ex'mina 3 mos. or less	3 to 6 months	6 to 12 months	Over 12 months
AGRICULTURE DEPARTMENT					
AMA marketing order contests, 7 U.S.C. 608c(15)(A).....	9	5	3	-	1
CEA and F&S cease and desist orders, 7 U.S.C. 13a, 193, 211.....	3	1	-	1	1
F&S license revocation or suspension and cease and desist orders, 7 U.S.C. 204, 205, 213, 218d.....	7	4	2	1	-
PACA license denial, 7 U.S.C. 499d.....	-	-	-	-	-
CEA and PACA license revocation or suspension, 7 U.S.C. 499h.....	2	1	1	-	-
CEA suspension of trading privileges, 7 U.S.C. 9.....	1	-	-	-	1
Totals.....	22				3
CIVIL AERONAUTICS BOARD					
Route licensing, 49 U.S.C. 481.....	15	-	3	5	7
Foreign permits, 49 U.S.C. 482.....	9	6	1	-	2
Adequacy of service, 49 U.S.C. 484.....	2	-	1	-	1
Mail rates, 49 U.S.C. 485.....	1	-	-	-	1
Carrier relations, 49 U.S.C. 488, 489.....	9	1	2	6	1
Exemptions, 49 U.S.C. 496.....	1	-	1	-	-
Commercial rates, 49 U.S.C. 642.....	6	2	2	2	-
Economic Enforcement, 49 U.S.C. 401-722.....	7	1	4	1	1
Medical review, 49 U.S.C. 552.....	19	5	6	7	1
Safety enforcement, 49 U.S.C. 559.....	226	121	49	48	8
Totals.....	295				21
CIVIL SERVICE COMMISSION					
Hatch Act violations, 5 U.S.C. 118k.....	-	-	-	-	-
FEDERAL COMMUNICATIONS COMMISSION					
Broadcast, 47 U.S.C. 309, 312, 316, 325, 405, 409.....	68	34	13	9	12
Common Carrier, 47 U.S.C. 204, 205, 214, 221, 222.....	12	4	4	1	3
Safety & Spec. Radio Services, 47 U.S.C. 359.....	7	3	1	2	1
Field Eng'g. & Mon't'g., 47 U.S.C. 303(m)(2).....	-	-	-	-	-
Totals.....	87				16
FEDERAL MARITIME BOARD					
Regulatory, 46 U.S.C. 813, 822, 845, 861 et seq.....	16	1	2	-	-
Subsidy, 46 U.S.C. 1101 et seq.....	7	2	1	1	13
Charter, 50 U.S.C. App. 1738.....	-	-	-	-	3
Totals.....	23				16
FEDERAL POWER COMMISSION					
NEA export or import applications, 15 U.S.C. 717b.....	2	1	-	-	1
NEA new schedule investigations, 15 U.S.C. 717c(e).....	15	7	-	-	6
NEA rate determinations, 15 U.S.C. 717d(a).....	3	1	1	1	2
NEA new sched. suspensions and rate determinations, 15 U.S.C. 717c(e), 717d(a).....	10	4	1	4	1
NEA extension of transportation facilities, 15 U.S.C. 717f(a).....	3	3	-	-	-
NEA abandonment of service permits, 15 U.S.C. 717f(b).....	-	-	-	-	-
NEA certificates of convenience and necessity, 15 U.S.C. 717f(c).....	5	1	-	-	4
NEA certificates for construction or abandonment, 15 U.S.C. 717f(b), (c).....	2	1	-	1	-
NEA \$7 certificates other than 7(c) certificates, 15 U.S.C. 717f(e).....	-	-	-	-	-
NEA project works construction licenses, 16 U.S.C. 797(e).....	1	-	-	-	1
Totals.....	41				15
FEDERAL TRADE COMMISSION					
Cease and desist orders, 15 U.S.C. 21, 45, 52, 68d, 69c, 1194.....	196	56	28	46	66
HEALTH, EDUCATION & WELFARE DEPT.					
FOOD AND DRUG ADMINISTRATION					
Suspension of new drug applications, 21 U.S.C. 355(e).....	-	-	-	-	-
SOCIAL SECURITY ADMINISTRATION					
Appeals from benefit rights determinations, 42 U.S.C. 405.....	8,907				4 8,907

See footnotes at end of table.

TABLE III.--AGE OF PROCEEDINGS PENDING BEFORE EXAMINERS AT THE END OF THE FISCAL YEAR 1957--Continued

Types of proceedings reported by the agencies	Total cases pending June 30, 1957	Pending before ex'mrs 3 mos. or less	3 to 6 months	6 to 12 months	Over 12 months
INTERIOR DEPARTMENT					
BUREAU OF LAND MANAGEMENT					
Government contests, 43 CFR 221.67, 221.68.....	107	27	30	42	8
Private contests, 43 CFR 221.51.....	19	5	2	12	-
Placer mining, 30 U.S.C. 621(b).....	9	1	8	-	-
Appeals from range managers' decisions, 43 U.S.C. 315h.....	108	34	13	5	56
Enforcement proceedings, 43 U.S.C. 315a.....	1	1	-	-	-
Totals.....	244	-	-	-	64
OFFICE OF THE SOLICITOR					
Indian probate cases, 25 U.S.C. 372, 373.....	1,852	5 52	5 13	5 10	5 30
INTERSTATE COMMERCE COMMISSION					
Certificates of convenience and necessity, 49 U.S.C. 1(19), 1(21), 6(11), 305, 909, 1010.....	926	487	260	179	-
Finance, transfer of operating authority, 49 U.S.C. 312, 912, 1010.....	127	32	91	4	-
Rates, fares, and charges, 49 U.S.C. 6(6), 16(1), 906(e), 908(d), 1005.....	515	207	128	180	-
Bankruptcy Act reorganizations, 11 U.S.C. 205.....	2	1	-	-	1
Compliance and rule investigations, 49 U.S.C. 305(e), 312, 904(e), 1010(f).....	47	20	18	9	-
Totals.....	1,617	-	-	-	1
JUSTICE DEPARTMENT					
OFFICE OF ALIEN PROPERTY					
Claims on merits, 50 U.S.C. App. 9, 32, 34.....	88	12	15	32	29
Motions to dismiss.....	10	4	1	5	-
Totals.....	98	-	-	-	29
LABOR DEPARTMENT					
Walsh-Healey Act enforcement, 41 U.S.C. 43a.....	18	8	4	4	2
Davis-Bacon Act minimum wage determinations, 40 U.S.C. 276a.....	-	-	-	-	-
Totals.....	18	-	-	-	2
NATIONAL LABOR RELATIONS BOARD					
CA cases (unfair practices by employer), 29 U.S.C. 158(a), 160(b)	43	34	7	1	6 1
CB cases (unfair practices by union) 29 U.S.C. 158(b) (1)(2)(3)(5)(6), 160(b).....	6	6	-	-	-
CC cases (unfair practices by union) 29 U.S.C. 158(b) (4)(A)(B)(C), 160(b).....	4	4	-	-	-
CD cases (unfair practices by union) 29 U.S.C. 158(b) (4)(D), 160(b), (k).....	-	-	-	-	-
CA-CB cases, 29 U.S.C. 160(b).....	11	9	1	1	-
CA-RC cases, 29 U.S.C. 160(b).....	1	1	-	-	-
CB-CC cases, 29 U.S.C. 160(b).....	1	1	-	-	-
RC cases (employee petitions for certification of representatives) 29 U.S.C. 159(c)(1)(A)(i).....	-	-	-	-	-
Totals.....	66	-	-	-	6 1
POST OFFICE DEPARTMENT					
Fraud orders, 39 U.S.C. 259, 732.....	42	25	7	6	4
"Unlawful" orders, 39 U.S.C. 259a.....	20	14	3	-	3
Mailability cases, 18 U.S.C. 1461.....	-	-	-	-	-
Second class mail privilege, 39 U.S.C. 232.....	5	2	-	2	1
Totals.....	67	-	-	-	8
SECURITIES AND EXCHANGE COMMISSION					
Stop orders, SA of '33, 15 U.S.C. 77h(d).....	2	2	-	-	-
Denial or revocation of broker or dealer registration, SEA of '34, 15 U.S.C. 78o(b), 78o-3(1).....	6	5	1	-	-
Suspension or withdrawal of registration, SEA of '34, 15 U.S.C. 78s(a).....	6	4	2	-	-
Sales or acquisition of assets, FIMCA of '35, 15 U.S.C. 79g, 79j.....	2	2	-	-	-
Exemptions under FIMCA, 15 U.S.C. 79c.....	-	-	-	-	-
Exemptions under IGA, 15 U.S.C. 80a-3, 80a-6, 80a-19, 80a-39.....	-	-	-	-	-

See footnotes at end of table.

TABLE III.--AGE OF PROCEEDINGS PENDING BEFORE EXAMINERS AT THE END OF THE FISCAL YEAR 1957--Continued

Types of proceedings reported by the agencies	Total cases pending June 30, 1957	Pending before examiners 3 mos. or less.	3 to 6 months	6 to 12 months	Over 12 months
SECURITIES AND EXCHANGE COMMISSION--Continued					
Revocation or denial of investment adviser registration, 15 U.S.C. 80b-3.....	1	-	-	-	-
PUHCA Reorganization plans, 15 U.S.C. 79k.....	1	-	-	-	-
Totals.....	18				
SUBVERSIVE ACTIVITIES CONTROL BOARD					
Alleged communist-front and communist-infiltrated organizations, 50 U.S.C. 792(c), 792a.....	6	4	1	-	-
TREASURY DEPARTMENT					
COAST GUARD					
Suspension or revocation of marine licenses, 46 U.S.C. 239, 239b.....	108	36	17	15	-
DIRECTOR OF PRACTICE					
Disturbance and suspension, 5 U.S.C. 261.....	1	-	-	-	-
INTERNAL REVENUE SERVICE					
ALCOHOL & TOBACCO TAX DIVISION					
Permit proceedings, 26 U.S.C. 5304, 5712, 5713, 27 U.S.C. 204.....	17	9	3	3	-
GRAND TOTAL--21 AGENCIES.....	13,683				

¹ By agreement, awaiting Supreme Court decision in companion case.

² FMC computed the age of its cases from date when Board ordered the matter set for hearing rather than from earlier date of assignment to examiner.

³ FFC figures include 9 cases in which hearing was recessed indefinitely pending further order of the Commission.

⁴ Of the 8907 Social Security cases pending before examiners on June 30, 1957, 2558 cases had been before examiners more than 60 days after receipt of the claims files. The SSA estimates that these cases had been assigned to examiners an average of 5 or 6 months prior to the end of the year.

⁵ The figures on age of proceedings before Examiners of Inheritance represent a sample of 105 cases pending before a single examiner, data on all cases not being available. Of the 30 cases over 1 year old, 14 have been pending over 20 years because the claimants cannot be identified. 12 of these cases, involving Royal Shawnee Civil War Claims, were closed after the end of the fiscal year by order of the Solicitor as the Commissioner of Indian Affairs, and the monies involved turned over to the surplus fund of the U. S.

⁶ 1 case remanded to examiner to be held in indefinite status pending further order of the Board.

TABLE IV.--USE OF "SHORTENED PROCEDURES" WHICH PERMIT EXAMINERS TO ISSUE DECISIONS ON THE MERITS WITHOUT EVIDENTIARY HEARINGS

Types of proceedings reported by the agencies	Total cases disposed of by exam'rs. during the year	No. of cases decided on the merits after oral hearing	No. of cases decided on the merits by shortened procedure	Other disposition
AGRICULTURE DEPARTMENT				
AMA marketing order contests, 7 U.S.C. 608a(15)(A).....	3	1	-	2
CEA and FAS cease and desist orders, 7 U.S.C. 13a, 193, 211...	-	-	-	-
FAS license revocation or suspension and cease and desist orders, 7 U.S.C. 204, 205, 213, 218d.....	20	4	-	16
PACA license denial, 7 U.S.C. 499d.....	4	3	-	1
CEA and PACA license revocation or suspension, 7 U.S.C. 6g, 499h.....	6	4	2	-
CEA suspension of trading privileges, 7 U.S.C. 9.....	2	1	-	1
Totals.....	35	13	2	20
CIVIL AERONAUTICS BOARD				
Route licensing, 49 U.S.C. 481.....	31	31	-	-
Foreign permits, 49 U.S.C. 482.....	15	15	-	-
Adequacy of service, 49 U.S.C. 484.....	-	-	-	-
Mail rates, 49 U.S.C. 486.....	4	2	-	2
Carrier relations, 49 U.S.C. 488, 489.....	12	11	-	1
Exemptions, 49 U.S.C. 496.....	-	-	-	-
Commercial rates, 49 U.S.C. 642.....	7	6	-	1
Economic Enforcement, 49 U.S.C. 401-722.....	9	5	-	4
Medical review, 49 U.S.C. 552.....	32	28	-	4
Safety enforcement, 49 U.S.C. 559.....	534	112	402	20
Totals.....	644	210	402	32
CIVIL SERVICE COMMISSION				
Hatch Act violations, 5 U.S.C. 118k.....	2	1	1	-
FEDERAL COMMUNICATIONS COMMISSION				
Broadcast, 47 U.S.C. 309, 312, 316, 325, 405, 409.....	140	85	-	55
Common Carrier, 47 U.S.C. 204, 205, 214, 221, 222.....	22	16	-	6
Safety & Spec. Radio Services, 47 U.S.C. 359.....	7	4	-	3
Field Engr'g & Monit'g., 47 U.S.C. 303(m)(2).....	7	5	-	2
Totals.....	176	110	-	66
FEDERAL MARITIME BOARD				
Regulatory, 46 U.S.C. 813, 822, 845, 861 et seq.....	10	9	-	1
Subsidy, 46 U.S.C. 1101 et seq.....	3	3	-	-
Charter, 50 U.S.C. App. 1738.....	11	10	-	1
Totals.....	24	22	-	2
FEDERAL POWER COMMISSION				
NRA export or import applications, 15 U.S.C. 717b.....	-	-	-	-
NRA new schedule investigations, 15 U.S.C. 717e(a).....	15	14	-	1
NRA rate determinations, 15 U.S.C. 717d(a).....	2	2	-	-
NRA new sched. suspensions and rate determinations, 15 U.S.C. 717c(e), 717d(a).....	4	3	-	1
NRA extension of transportation facilities, 15 U.S.C. 717f(a).....	6	3	-	3
NRA abandonment of service permits, 15 U.S.C. 717f(b).....	14	-	-	14
NRA certificates of convenience and necessity, 15 U.S.C. 717f(c).....	268	9	-	259
NRA certificates for construction or abandonment, 15 U.S.C. 717f(b), (c).....	39	1	-	38
NRA §7 certificates other than 7(c) certificates, 15 U.S.C. 717f(e).....	1	-	-	1
FPA project works construction licenses, 16 U.S.C. 797(e).....	2	-	-	2
Totals.....	351	32	-	319
FEDERAL TRADE COMMISSION				
Cease and desist orders, 15 U.S.C. 21, 45, 52, 68d, 69f, 1194	231	72	-	159
HEALTH, EDUCATION & WELFARE DEPT.				
FOOD AND DRUG ADMINISTRATION				
Suspension of new drug applications, 21 U.S.C. 355(e).....	2	-	-	2
SOCIAL SECURITY ADMINISTRATION				
Appeals from benefit rights determinations, 42 U.S.C. 405...	6,331	f 4,202	-	2,129

See footnote at end of table.

TABLE IV.--USE OF "SHORTENED PROCEDURES" WHICH PERMIT EXAMINERS TO ISSUE DECISIONS ON THE MERITS WITHOUT EVIDENTIARY HEARINGS--Continued

Types of proceedings reported by the agencies	Total cases disposed of by ex'mra. during the year	No. of cases decided on the merits after oral hearing	No. of cases decided on the merits by shortened procedure	Other disposition
INTERIOR DEPARTMENT				
BUREAU OF LAND MANAGEMENT				
Government contests, 43 CFR 221.67, 221.68.....	125	83	-	42
Private contests, 43 CFR 221.51.....	19	7	-	12
Placer mining, 30 U.S.C. 621(b).....	-	-	-	-
Appeals from range managers' decisions, 43 U.S.C. 315h.....	76	28	-	48
Enforcement proceedings, 43 U.S.C. 315a.....	3	3	-	-
Totals.....	223	121	-	102
OFFICE OF THE SOLICITOR				
Indian probate cases, 25 U.S.C. 372, 373.....	2,320	2,319	-	1
INTERSTATE COMMERCE COMMISSION				
Certificates of convenience and necessity, 49 U.S.C. 1(19), 1(21), 6(12), 305, 909, 1010.....	3,000	2,276	517	207
Finance, transfer of operating authority, 49 U.S.C. 312, 912, 1010.....	252	129	123	-
Rates, fares, and charges, 49 U.S.C. 6(6), 16(1), 906(e), 908(d), 1005.....	894	290	534	70
Bankruptcy Act reorganizations, 11 U.S.C. 205.....	-	-	-	-
Compliance and rule investigations, 49 U.S.C. 305(e), 312, 904(e), 1010(f).....	54	30	11	13
Totals.....	4,200	2,725	1,185	290
JUSTICE DEPARTMENT				
OFFICE OF ALIEN PROPERTY				
Claims on merits, 50 U.S.C. App. 9, 32, 34.....	86	78	-	8
Motions to dismiss.....	16	16	-	-
Totals.....	102	94	-	8
LABOR DEPARTMENT				
Walsh-Healey Act enforcement, 41 U.S.C. 43a.....	31	21	-	10
Davis-Bacon Act minimum wage determinations, 40 U.S.C. 276a..	1	1	-	-
Totals.....	32	22	-	10
NATIONAL LABOR RELATIONS BOARD				
CA cases (unfair practices by employer), 29 U.S.C. 158(a); 160(b).....	179	148	-	31
CB cases (unfair practices by union) 29 U.S.C. 158(b)(1)(2) (3)(5)(6), 160(b).....	116	33	-	83
CC cases (unfair practices by union) 29 U.S.C. 158(b)(4)(A) (B)(c), 160(b).....	58	41	-	17
CD cases (unfair practices by union) 29 U.S.C. 158(b)(4)(D), 160(b), (k).....	8	8	-	-
CA-CB cases, 29 U.S.C. 160(b).....	46	31	-	15
CA-RC cases, 29 U.S.C. 160(b).....	6	5	-	1
CB-CC cases, 29 U.S.C. 160(b).....	6	3	-	3
CC-CD cases, 29 U.S.C. 160(b).....	1	1	-	-
RC cases (employee petitions for certification of representatives) 29 U.S.C. 159(c)(1)(A)(i).....	18	18	-	-
Totals.....	438	288	-	150
POST OFFICE DEPARTMENT				
Fraud orders, 39 U.S.C. 259, 732.....	166	16	-	150
"Unlawful" orders, 39 U.S.C. 259a.....	51	25	-	26
Mailability cases, 18 U.S.C. 1461.....	2	2	-	-
Second class mail privilege, 39 U.S.C. 232.....	7	5	-	2
Totals.....	226	48	-	178
SECURITIES AND EXCHANGE COMMISSION				
Stop orders, SA of '33, 15 U.S.C. 77h(d).....	19	10	-	9
Denial or revocation of broker or dealer registration, SEA of '34, 15 U.S.C. 78o(b), 78o-3(i).....	56	13	-	43
Suspension or withdrawal of registration, SEA of '34, 15 U.S.C. 78s(a).....	1	-	-	1
Sales or acquisition of assets, PUHCA of '35, 15 U.S.C. 79g, 79j.....	9	-	-	9
Exemptions under PUHCA, 15 U.S.C. 79a.....	1	-	-	1
Exemptions under IOA, 15 U.S.C. 80a-3, 80a-6, 80a-17, 80a-39.	2	1	-	1

See footnote at end of table.

TABLE IV.--USE OF "SHORTENED PROCEDURES" WHICH PERMIT EXAMINERS TO ISSUE DECISIONS ON THE MERITS WITHOUT EVIDENTIARY HEARINGS--Continued

Types of proceedings reported by the agencies	Total cases disposed of by ex'rs. during the year	No. of cases decided on the merits after oral hearing	No. of cases decided on the merits by shortened procedure	Other disposition
<u>SECURITIES AND EXCHANGE COMMISSION--Continued</u>				
Revocation or denial of investment adviser registration, 15 U.S.C. 80b-3.....	2	-	-	2
FUNCA Reorganization plans, 15 U.S.C. 79k.....	-	-	-	-
Totals.....	90	24	-	66
<u>SUBVERSIVE ACTIVITIES CONTROL BOARD</u>				
Alleged communist-front and communist-infiltrated organizations, 50 U.S.C. 792(a), 792a.....	3	3	-	-
<u>TREASURY DEPARTMENT</u>				
<u>COAST GUARD</u>				
Suspension or revocation of marine licenses, 46 U.S.C. 239, 239b.....	1,370	1,354	-	16
<u>DIRECTOR OF PRACTICE</u>				
Disbarment and suspension, 5 U.S.C. 261.....	4	2	-	2
<u>INTERNAL REVENUE SERVICE</u>				
<u>ALCOHOL & TOBACCO TAX DIVISION</u>				
Permit proceedings, 26 U.S.C. 5304, 5712, 5713, 27 U.S.C. 204.....	45	34	-	11
GRAND TOTALS - 21 AGENCIES.....	16,849	11,696	1,590	3,563

¹ In a "very small minority" of the 4202 Social Security cases in which examiners rendered decisions on the merits, hearing was waived, and the cases were decided on the written records submitted.

TABLE V.--"SHORTENED PROCEDURE" CASES--LENGTH OF TIME INVOLVED IN EXAMINERS' DISPOSITION AND COMPARISON WITH TIME INVOLVED IN REGULAR HEARING CASES

(Time from Assignment to Examiner to Issuance of Examiner's Decision)

Agency and type of proceeding		Number of proceedings				
		One month or less	More than 1 month but not more than 3 months	More than 3 months but not more than 6 months	More than 6 months but not more than 12 months	More than 12 months
Agriculture Dept. CEA & FACA License	Shortened Proc.	1	-	1	-	-
Revocation or Suspension	Evidentiary Hrg.	-	-	4	-	-
Civil Aeronautics Board	Shortened Proc.	13	106	162	100	21
Safety Enforcement Proceedings	Evidentiary Hrg.	8	51	26	25	2
Interstate Com. Commission Certificates of Convenience and Necessity	Shortened Proc.	65	320	101	31	-
	Evidentiary Hrg.	245	971	787	273	-
Interstate Com. Commission Finance, Transfer of Oper. Authority	Shortened Proc.	-	44	62	17	-
	Evidentiary Hrg.	-	14	87	28	-
Interstate Com. Commission Rates, Fares, and Charges	Shortened Proc.	130	138	64	202	-
	Evidentiary Hrg.	-	95	46	144	5
Interstate Com. Commission Compliance and Rules Investigations	Shortened Proc.	-	5	6	-	-
	Evidentiary Hrg.	-	22	8	-	-
Totals	Shortened Proc.	209	613	396	350	21
	Evidentiary Hrg.	253	1,153	958	470	7

The figures given for "Shortened Proc." cases are the number of proceedings in which hearing examiners issued decisions on the merits during the fiscal year 1957 on the basis of written submissions only, without evidentiary hearings.

The figures given for "Evidentiary Hrg." cases are those decided on the merits after evidentiary hearings. One Civil Service Commission proceeding involving a Hatch Act violation was decided without evidentiary hearing, but is not included in this table because it was delayed for a long period of time by interlocutory proceedings.

TABLE VI.--LENGTH OF TIME FROM ASSIGNMENT TO EXAMINER TO DECISION BY EXAMINER IN PROCEEDINGS IN WHICH EXAMINERS ISSUED DECISIONS ON THE MERITS AFTER EVIDENTIARY HEARINGS

Types of proceedings reported by the agencies	Number of proceedings					
	1 mo. or less	1 to 3 mos.	3 to 6 mos.	6 to 12 mos.	Over 12 mos.	Total
AGRICULTURE DEPARTMENT						
AMA marketing order contests, 7 U.S.C. 608c(15)(A).....	-	1	-	-	-	1
CEA and P&S cease and desist orders, 7 U.S.C. 13a, 193, 211.....	-	-	-	-	-	-
P&S license revocation or suspension and cease and desist orders, 7 U.S.C. 204, 205, 213, 218d..	-	-	-	4	-	4
PACA license denial, 7 U.S.C. 499d	-	-	3	-	-	3
CEA and PACA license revocation or suspension, 7 U.S.C. 6g, 499h.....	-	-	4	-	-	4
CEA suspension of trading privileges, 7 U.S.C. 9...	-	-	-	1	-	1
Totals.....	-	1	7	5	-	13
CIVIL AERONAUTICS BOARD						
Route licensing, 49 U.S.C. 481.....	8	1	4	8	10	31
Foreign permits 49 U.S.C. 482.....	4	5	3	3	-	15
Adequacy of service, 49 U.S.C. 484.....	-	-	-	-	-	-
Mail rates, 49 U.S.C. 486.....	-	-	-	1	1	2
Carrier relations, 49 U.S.C. 488, 489.....	2	8	-	1	-	11
Exemptions, 49 U.S.C. 496.....	-	-	-	-	-	-
Commercial rates, 49 U.S.C. 642.....	-	1	2	3	-	6
Econ. Enforcement, 49 U.S.C. 401-722.....	-	2	1	2	-	5
Medical review, 49 U.S.C. 552.....	4	8	10	5	1	28
Safety enforcement, 49 U.S.C. 559.....	8	51	26	25	2	112
Totals.....	26	76	46	48	14	210
CIVIL SERVICE COMMISSION						
Hatch Act violations, 5 U.S.C. 118k.....	-	-	1	-	-	1
FEDERAL COMMUNICATIONS COMMISSION						
Broadcast, 47 U.S.C. 309, 312, 316, 325, 405, 409..	3	16	23	24	19	85
Common Carrier, 47 U.S.C. 204, 205, 214, 221, 222..	-	8	4	4	-	16
Safety & Spec. Radio Services, 47 U.S.C. 359.....	-	1	2	1	-	4
Field Engineering & Monitoring 47 U.S.C. 303(m)(2)..	-	-	4	1	-	5
Totals.....	3	25	33	30	19	110
FEDERAL MARITIME BOARD¹						
Regulatory, 46 U.S.C. 813, 822, 845, 861, et seq...	-	-	1 2	4	3	9
Subsidy, 46 U.S.C. 1101 et seq.....	-	-	-	1	2	3
Charter, 50 U.S.C. App. 173B.....	10	-	-	-	-	10
Totals.....	10	-	2	5	5	22
FEDERAL POWER COMMISSION						
NGA export or import applications, 15 U.S.C. 717b..	-	-	-	-	-	-
NGA new schedule investigations, 15 U.S.C. 717c(e)..	-	-	-	7	7	14
NGA rate determinations, 15 U.S.C. 717d(a).....	-	1	-	1	-	2
NGA new sched. suspensions and rate determinations, 15 U.S.C. 717c(e), 717d(a).....	-	-	-	2	1	3
NGA extension of transportation facilities, 15 U.S.C. 717f(a).....	-	-	2	1	-	3
NGA abandonment of service permits, 15 U.S.C. 717f(b).....	-	-	-	-	-	-
NGA certificates of convenience and necessity, 15 U.S.C. 717f(c).....	-	2	4	3	-	9
NGA certificates for construction or abandonment, 15 U.S.C. 717f(b), (c).....	-	1	-	-	-	1
NGA § 7 certificates other than 7(c) certificates, 15 U.S.C. 717f(e).....	-	-	-	-	-	-
FPA project works construction licenses, 16 U.S.C. 797(e).....	-	-	-	-	-	-
Totals.....	-	4	6	14	8	32
FEDERAL TRADE COMMISSION						
Cease and desist orders, 15 U.S.C. 21, 45, 52, 68d, 69f, 1194.....	-	-	4	22	46	72
HEALTH, EDUCATION & WELFARE DEPT.						
FOOD AND DRUG ADMINISTRATION						
Suspension of new drug applications, 21 U.S.C. 355(e).....	-	-	-	-	-	-
SOCIAL SECURITY ADMINISTRATION						
Appeals from benefit rights determinations, 42 U.S.C. 405.....	(Data not available) ²					4,202

See footnotes at end of table.

TABLE VI.--LENGTH OF TIME FROM ASSIGNMENT TO EXAMINER TO DECISION BY EXAMINER IN PROCEEDINGS IN WHICH EXAMINERS ISSUED DECISIONS ON THE MERITS AFTER EVIDENTIARY HEARINGS--Continued

Types of proceedings reported by the agencies	Number of proceedings					
	1 mo. or less	1 to 3 mos.	3 to 6 mos.	6 to 12 mos.	Over 12 mos.	Total
INTERIOR DEPARTMENT						
BUREAU OF LAND MANAGEMENT						
Government contests, 43 CFR 221.67, 221.68.....	-	3	30	44	6	83
Private contests, 43 CFR 221.51.....	-	-	5	2	-	7
Placer mining, 30 U.S.C. 621(b).....	-	-	-	-	-	-
Appeals from range managers' decisions, 43 U.S.C. 315h.....	-	1	2	8	17	28
Enforcement proceedings, 43 U.S.C. 315a.....	1	2	-	-	-	3
Totals.....	1	6	37	54	23	121
OFFICE OF THE SOLICITOR						
Indian probate cases, 25 U.S.C. 372, 373	(Data not available)					2,319
INTERSTATE COMMERCE COMMISSION						
Certif's. of conven. and nec., 49 U.S.C. 1(19), 1(21), 6(11), 305, 909, 1010.....	245	971	787	273	-	2,276
Finance, transfer of operating authority, 49 U.S.C. 312, 912, 1010.....	-	14	87	28	-	129
Rates, fares, and charges, 49 U.S.C. 6(5), 16(1), 906(e), 908(d), 1005.....	-	95	46	144	5	290
Bankruptcy Act reorganizations, 11 U.S.C. 205.....	-	-	-	-	-	-
Compliance and rule investigations, 49 U.S.C. 305(e), 312, 904(e), 1010(f).....	-	22	8	-	-	30
Totals.....	245	1,102	928	445	5	2,725
JUSTICE DEPARTMENT						
OFFICE OF ALIEN PROPERTY						
Claims on merits, 50 U.S.C. App. 9, 32, 34.....	-	4	11	35	28	78
Motions to dismiss.....	-	4	3	7	2	16
Totals.....	-	8	14	42	30	94
LABOR DEPARTMENT						
Walsh-Healey Act enforcement, 41 U.S.C. 43a.....	-	4	9	8	-	21
Davis-Bacon Act minimum wage determinations, 40 U.S.C. 276a.....	-	-	-	1	-	1
Totals.....	-	4	9	9	-	22
NATIONAL LABOR RELATIONS BOARD						
CA cases (unfair practices by employer), 29 U.S.C. 158(a), 160(b).....	30	68	28	9	1	148
CB cases (unfair practices by union), 29 U.S.C. 158(b) (1)(2)(3)(2)(6), 160(b).....	8	14	7	1	-	33
CC cases (unfair practices by union), 29 U.S.C. 158(b)(4)(A)(B)(C), 160(b).....	7	25	4	1	-	41
CD cases (unfair practices by union), 29 U.S.C. 158(b)(4)(D), 160(b), (k).....	-	4	-	-	-	4
CA-CB cases, 29 U.S.C. 160(b).....	10	15	4	-	-	31
CA-RC cases, 29 U.S.C. 160(b).....	-	5	-	-	-	5
CB-CC cases, 29 U.S.C. 160(b).....	-	1	2	-	-	3
CC-CD cases, 29 U.S.C. 160(b).....	-	1	-	-	-	1
RC cases (employee petitions for certification of representatives) 29 U.S.C. 159(a)(1)(A)(1)....	4	12	2	-	-	18
Totals.....	59	145	47	11	1	298
ST OFFICE DEPARTMENT						
Fraud orders, 39 U.S.C. 259, 732.....	9 22	9 4	9 2	9 8	-	26
"Unlawful" orders, 39 U.S.C. 259a.....	10 17	10 7	10 7	10 9	2	25
Mailability cases, 18 U.S.C. 1461.....	2	-	-	-	-	2
Second class mail privilege, 39 U.S.C. 232.....	-	-	4	1	-	5
Totals.....	11 41	11 11	11 13	11 18	2	48
CURITIES AND EXCHANGE COMMISSION						
Stop orders, SA of '33, 15 U.S.C. 77h(d).....	-	1	3	6	-	10
Denial or revoc. of broker or dealer registration, SEA of '34, 15 U.S.C. 78o(b), 78o-3(1).....	-	2	9	2	-	13
Suspension or withdrawal of registration, SEA of '34, 15 U.S.C. 78s(n).....	-	-	-	-	-	-
Sales or acquisition of assets, PUNCA of '35, 15 U.S.C. 79g, 79j.....	-	-	-	-	-	-
Exemptions under PUNCA, 15 U.S.C. 79c.....	-	-	-	-	-	-
Exemptions under ICA, 15 U.S.C. 80a-3, 80a-6, 80a-17, 80a-39.....	-	-	-	-	-	-
Revoc. or denial of investment adviser registration, 15 U.S.C. 80b-3.....	-	-	-	-	1	1
PUNCA Reorganization plans, 15 U.S.C. 79k.....	-	-	-	-	-	-
Totals.....	-	3	12	8	1	24

See footnotes at end of table.

See footnotes at end of table.

TABLE VI.--LENGTH OF TIME FROM ASSIGNMENT TO EXAMINER TO DECISION BY EXAMINER IN PROCEEDINGS IN WHICH EXAMINERS ISSUED DECISIONS ON THE MERITS AFTER EVIDENTIARY HEARINGS--Continued

Types of proceedings reported by the agencies	Number of proceedings					
	1 mo. or less	1 to 3 mos.	3 to 6 mos.	6 to 12 mos.	over 12 mos.	Total
SUBVERSIVE ACTIVITIES CONTROL BOARD						
Alleged communist-front and communist-infiltrated organizations, 50 U.S.C., 792(a), 792a	-	-	-	1	2	3
TREASURY DEPARTMENT						
COAST GUARD						
Suspension or revocation of marine licenses, 46 U.S.C. 239, 239b.....	1,087	138	78	41	10	1,354
DIRECTOR OF PRACTICE						
Disbarment and suspension, 5 U.S.C. 261.....	-	-	1	-	1	2
INTERNAL REVENUE SERVICE						
ALCOHOL & TOBACCO TAX DIVISION						
Permit proceedings, 26 U.S.C. 5304, 5712, 5713, 27 U.S.C. 204.....	7	16	9	2	-	34
GRAND TOTAL - 21 AGENCIES.....						11,696

¹ The Federal Maritime Board computed the time intervals indicated from the time when the examiner was directed to hold a hearing, rather than from the time when the matter was first assigned to an examiner for preliminary handling.

² Of the 8,907 Social Security appeals pending before examiners at the end of the year, 2,558 had been pending for more than 60 days after receipt of the claims files. The Social Security Administration estimates that at the end of the year these cases had been pending before examiners an average of 5 or 6 months. This is the only information available relative to the time involved in the disposition of Social Security appeals.

³ Total figure, 148, includes 12 cases which do not appear in the other 5 columns. These were cases in which hearing was reopened prior to issuance of the examiner's report or were remanded thereafter and as to which no data were furnished relative to the time involved in disposition.

⁴ Total figure, 33, includes 3 cases which are not included in the other columns for the reason stated in footnote 3.

⁵ Total figure, 41, includes 4 cases which are not included in the other columns for the reason stated in footnote 3.

⁶ Total figure, 8, includes 4 cases which are not included in the other columns for the reason stated in footnote 3.

⁷ Total figure, 31, includes 2 cases which are not included in the other columns for the reason stated in footnote 3.

⁸ Total figure, 288, includes 35 cases for which time intervals involved in disposition are not indicated.

⁹ These figures include 20 default cases. Time intervals for the 16 cases decided on the merits after hearing were not furnished separately.

¹⁰ These figures include 17 default cases. Time intervals for the 25 cases decided on the merits after hearing were not furnished separately.

¹¹ These figures include 37 default cases. See footnotes 9 and 10.

TABLE VII.--LENGTH OF TIME FROM ASSIGNMENT TO EXAMINER TO THE OPENING OF THE HEARING IN PROCEEDINGS IN WHICH EXAMINERS ISSUED DECISIONS ON THE MERITS AFTER EVIDENTIARY HEARINGS

Types of proceedings reported by the agencies	Number of proceedings					
	1 mo. or less	1 to 3 mos.	3 to 6 mos.	6 to 12 mos.	over 12 mos.	Total
AGRICULTURE DEPARTMENT						
AMA marketing order contests, 7 U. S. C. 608c (15)(A).....	-	1	-	-	-	1
CEA and P&S cease and desist orders, 7 U. S. C. 13a, 193, 211.....	-	-	-	-	-	-
P&S license revocation or suspension and cease and desist orders, 7 U. S. C. 204, 205, 213, 218d	3	-	1	-	-	4
PACA license denial, 7 U. S. C. 499d.....	3	-	-	-	-	3
CEA and PACA license revocation or suspension, 7 U. S. C. 6g, 499h.....	1	3	-	-	-	4
CEA suspension of trading privileges, 7 U. S. C. 9	-	1	-	-	-	1
Totals.....	7	5	1	-	-	13
CIVIL AERONAUTICS BOARD						
Route licensing, 49 U. S. C. 481.....	10	6	11	2	2	31
Foreign permits, 49 U. S. C. 482.....	9	5	1	-	-	15
Adequacy of service, 49 U. S. C. 484.....	-	-	-	-	-	-
Mail rates, 49 U. S. C. 486.....	-	-	1	-	1	2
Carrier relations, 49 U. S. C. 488, 489.....	8	2	1	-	-	11
Exemptions, 49 U. S. C. 496.....	-	-	-	-	-	-
Commercial rates, 49 U. S. C. 642.....	-	5	-	1	-	6
Economic Enforcement, 49 U. S. C. 401-722.....	4	-	1	-	-	5
Medical review, 49 U. S. C. 552.....	4	19	5	-	-	28
Safety enforcement, 49 U. S. C. 559.....	9	63	28	11	1	112
Totals.....	44	100	48	14	4	210
CIVIL SERVICE COMMISSION						
Hatch Act violations, 5 U. S. C. 118k.....	-	-	1	-	-	1
FEDERAL COMMUNICATIONS COMMISSION						
Broadcast, 47 U. S. C. 309, 312, 316, 325, 405, 409.....	8	42	25	9	1	85
Common Carrier, 47 U. S. C. 204, 205, 214, 221, 222.....	3	11	1	-	1	16
Safety & Spec. Radio Services, 47 U. S. C. 399....	-	4	-	-	-	4
Field Engineering & Monitoring, 47 U. S. C. 303 (b)(2).....	-	5	-	-	-	5
Totals.....	11	62	26	9	2	110
FEDERAL MARITIME BOARD						
Regulatory, 46 U. S. C. 813, 822, 845, 861 et seq.	2	4	-	2	1	9
Subsidy, 46 U. S. C. 1101 et seq.....	-	-	2	1	-	3
Charter, 50 U. S. C. App. 1738.....	10	-	-	-	-	10
Totals.....	12	4	2	3	1	22
FEDERAL POWER COMMISSION						
NGA export or import applications, 15 U. S. C. 717b.....	-	-	-	-	-	-
NGA new schedule investigations, 15 U. S. C. 717c(e).....	13	1	-	-	-	14
NGA rate determinations, 15 U. S. C. 717d(a).....	2	-	-	-	-	2
NGA new sched. suspensions and rate determinations, 15 U. S. C. 717c(e), 717d(a).....	3	-	-	-	-	3
NGA extension of transportation facilities, 15 U. S. C. 717f(a).....	2	1	-	-	-	3
NGA abandonment of service permits, 15 U. S. C. 717f(b).....	-	-	-	-	-	-
NGA certificates of convenience and necessity, 15 U. S. C. 717f(e).....	9	-	-	-	-	9
NGA certificates for construction or abandonment, 15 U. S. C. 717f(b), (c).....	1	-	-	-	-	1
NGA §7 certificates other than 7(c) certificates, 15 U. S. C. 717f(e).....	-	-	-	-	-	-
FPA project works construction licenses, 16 U. S. C. 797(e).....	-	-	-	-	-	-
Totals.....	30	2	-	-	-	32
FEDERAL TRADE COMMISSION						
Cease and desist orders, 15 U. S. C. 21, 45, 52, 68d, 69f, 119a.....	-	24	32	12	4	72
HEALTH, EDUCATION & WELFARE DEPT.						
FOOD AND DRUG ADMINISTRATION						
Suspension of new drug applications, 21 U. S. C. 355(e).....	-	-	-	-	-	-

TABLE VII.--LENGTH OF TIME FROM ASSIGNMENT TO EXAMINER TO THE OPENING OF THE HEARING IN PROCEEDINGS
IN WHICH EXAMINERS ISSUED DECISIONS ON THE MERITS AFTER EVIDENTIARY HEARINGS--Continued

Types of proceedings reported by the agencies	Number of proceedings					Total
	1 no. or less	1 to 3 mos.	3 to 6 mos.	6 to 12 mos.	over 12 mos.	
HEALTH, EDUCATION & WELFARE DEPT.--Continued						
SOCIAL SECURITY ADMINISTRATION						
Appeals from benefit rights determinations, 42 U. S. C. 405.....						4,202
			(Data not available)			
INTERIOR DEPARTMENT						
BUREAU OF LAND MANAGEMENT						
Government contests, 43 CFR 221.67, 221.68.....	12	33	17	21	-	83
Private contests, 43 CFR 221.51.....	-	2	5	-	-	7
Pacer mining, 30 U. S. C. 621(b).....	-	-	-	-	-	-
Appeals from range managers' decisions, 43 U. S. C. 315h.....	-	1	5	5	17	28
Enforcement proceedings, 43 U. S. C. 315a.....	2	1	-	-	-	3
Totals.....	14	37	27	26	17	121
OFFICE OF THE SOLICITOR						
Indian probate cases, 25 U. S. C. 372, 373.....			(Data not available)			2,319
INTERSTATE COMMERCE COMMISSION						
Certifica. of conven. and necessity, 49 U. S. C. 1(19), 1(21), 6(11), 305, 909, 1010.....	31	2,191	54	-	-	2,276
Finance, transfer of operating authority, 49 U.S.C. 312, 912, 1010.....	7	121	1	-	-	129
Rates, fares, and charges, 49 U.S.C. 6(6), 16(1), 904(e), 908(d), 1005.....	68	160	62	-	-	290
Bankruptcy Act reorganizations, 11 U.S.C. 205.....	-	-	-	-	-	-
Compliance and rule investigations, 49 U.S.C. 305(e), 312, 904(e), 1010(f).....	10	20	-	-	-	30
Totals.....	116	2,492	117	-	-	2,725
JUSTICE DEPARTMENT						
OFFICE OF ALIEN PROPERTY						
Claims on merits, 50 U.S.C. App. 9, 32, 34.....	7	55	14	2	-	78
Motions to dismiss.....	-	13	3	-	-	16
Totals.....	7	68	17	2	-	94
LABOR DEPARTMENT						
Walsh-Healey Act enforcement, 41 U.S.C. 43a.....	7	13	1	-	-	21
Davis-Bacon Act minimum wage determinations, 40 U.S.C. 276a.....	1	-	-	-	-	-
Totals.....	8	13	1	-	-	21
NATIONAL LABOR RELATIONS BOARD						
CS cases (unfair practices by employer), 29 U.S.C. 158(a), 160(b).....						141
CB cases (unfair practices by union) 29 U.S.C. 158(b)(1)(2)(3)(5)(6), 160(b).....						31
CC cases (unfair practices by union) 29 U.S.C. 158(b)(4)(A)(B)(C), 160(b).....						41
CD cases (unfair practices by union) 29 U.S.C. 158(b)(4)(D), 160(b), (k).....						31
CA-CB cases, 29 U.S.C. 160(b).....						1
CA-RC cases, 29 U.S.C. 160(b).....						1
CB-CC cases, 29 U.S.C. 160(b).....						1
CC-CD cases, 29 U.S.C. 160(b).....						1
RC cases (employee petitions for certification of representatives) 29 U.S.C. 159(c)(1)(A)(i)....						16
						282
					TOTAL	
POST OFFICE DEPARTMENT						
Fraud orders, 39 U.S.C. 259, 732.....	8	6	-	2	-	1
'Unlawful' orders, 39 U.S.C. 259e.....	8	14	2	1	-	2
Mailability cases, 18 U.S.C. 1461.....	2	-	-	-	-	-
Second class mail privilege, 39 U.S.C. 232.....	1	3	1	-	-	5
Totals.....	19	23	3	3	-	48
SECURITIES AND EXCHANGE COMMISSION						
Stop orders, SA of '33, 15 U.S.C. 77h(d).....	5	5	-	-	-	10
Denial or revocation of broker or dealer registra- tion, SEA of '34, 15 U.S.C. 78o(b), 78o-3(i).....	8	4	1	-	-	13
Suspension or withdrawal of registration, SEA of '34, 15 U.S.C. 78s(a).....	-	-	-	-	-	-
Sales or acquisition of assets, FURCA of '35, 15 U.S.C. 79g, 79j.....	-	-	-	-	-	-
Exemptions under FURCA, 15 U.S.C. 79s.....	-	-	-	-	-	-

(Time from assignment
of a proceeding to
an examiner to opening
of the hearing averages
approximately 5 days in
all types of proceedings.)

TABLE VII.--LENGTH OF TIME FROM ASSIGNMENT TO EXAMINER TO THE OPENING OF THE HEARING IN PROCEEDINGS
IN WHICH EXAMINERS ISSUED DECISIONS ON THE MERITS AFTER EVIDENTIARY HEARINGS--Continued

Types of proceedings reported by the agencies	Number of proceedings					Total
	1 mo. or less	1 to 3 mos.	3 to 6 mos.	6 to 12 mos.	over 12 mos.	
SECURITIES AND EXCHANGE COMMISSION--Continued						
Exemptions under ICA, 15 U.S.C. 80a-3, 80a-6, 80a-17, 80a-37.....	1	-	-	-	-	1
Revocation or denial of investment adviser regis- tration, 15 U.S.C. 80b-3.....	-	-	-	-	-	-
PURCA Reorganization plans, 15 U.S.C. 79k.....	-	-	-	-	-	-
Totals.....	14	9	1	-	-	24
SUBVERSIVE ACTIVITIES CONTROL BOARD						
Alleged communist-front and communist-infiltrated organizations, 50 U.S.C. 792(e), 792a.....	1	2	-	-	-	3
TREASURY DEPARTMENT						
COAST GUARD						
Suspension or revocation of marine licenses, 46 U.S.C. 239, 239b.....	1,334	17	1	1	1	1,354
DIRECTOR OF PRACTICE						
Disbarment and suspension, 5 U.S.C. 261.....	-	1	1	-	-	2
INTERNAL REVENUE SERVICE						
ALCOHOL & TOBACCO TAX DIVISION						
Permit proceedings, 26 U.S.C. 5304, 5712, 5713, 27 U.S.C. 204.....	24	6	3	1	-	34
			GRAND TOTAL - 21 AGENCIES			11,696

TABLE VIII.—LENGTH OF TIME FROM CLOSE OF HEARING TO FINAL SUBMISSION TO EXAMINER AND FROM FINAL SUBMISSION TO ISSUANCE OF EXAMINER'S DECISION—
USE OF PREHEARING CONFERENCES — SUSPENSION ON INTERJUDICIAL APPEALS — LENGTH OF HEARINGS — NUMBER OF HEARINGS REQUESTED PRIOR TO EXAMINER'S DECISION

Types of proceedings reported by the agencies	Total cases disposed of on merits after hearing	No. of cases in which pre-hearing conferences were held	Cases which were suspended pending inter-judicial appeals	Aver. no. of days of hearing	Cases in which hearing was reopened prior to ex'rs decision	Time from end of hearing to final submission to examiner					Time from final submission to examiner to issuance of examiner's decision				
						Number of proceedings					Number of proceedings				
						15 days or less	16 to 30 days	31 to 60 days	61 to 90 days	over 90 days	15 days or less	16 to 30 days	31 to 60 days	61 to 90 days	over 90 days
AGRICULTURE DEPARTMENT															
AMA marketing order contracts, 7 U.S.C. 608c(15)(A).....	1	-	-	2.0	-	-	-	1	-	-	-	-	1	-	-
CEA and RES cease and desist orders, 7 U.S.C. 13a, 193, 211.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RES license revocation or suspension and cease and desist orders, 7 U.S.C. 204, 205, 213, 218a.....	4	-	-	4.25	-	-	-	-	-	-	-	-	-	2	-
PMA license denial; 7 U.S.C. 499d....	3	-	-	3.33	-	-	-	1	2	-	-	-	-	-	-
CEA and PMA license revocation or suspension, 7 U.S.C. 46, 499a.....	4	-	-	1.25	-	-	1	-	2	1	-	-	1	1	-
CEA suspension of trading privileges, 7 U.S.C. 9.....	1	-	-	15.0	-	1	-	-	-	-	-	-	-	-	-
Totals.....	13	-	-	-	-	1	1	2	4	5	4	2	2	3	2
CIVIL AERONAUTICS BOARD															
Route licensing, 49 U.S.C. 421.....	31	21	-	6.97	-	10	1	10	5	5	8	6	3	3	9
Foreign permits, 49 U.S.C. 422.....	15	10	-	1.2	-	14	-	1	-	-	5	4	3	2	1
Airway of service, 49 U.S.C. 424.....	2	-	-	1.5	-	-	-	-	-	-	-	-	-	-	-
Mail, 49 U.S.C. 468.....	2	-	-	1.27	-	-	1	1	-	-	-	-	-	-	-
Carrier relations, 49 U.S.C. 468, 489.....	11	8	-	-	-	10	1	-	-	-	3	3	4	1	-
Exemptions, 49 U.S.C. 496.....	6	6	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial rates, 49 U.S.C. 642.....	5	2	1	2.67	-	1	1	2	2	-	-	-	2	2	-
Economic Enforcement, 49 U.S.C. 403-722	5	2	1	3.6	-	1	2	2	-	-	-	1	2	1	-
Medical review, 49 U.S.C. 592.....	28	3	-	1.0	-	21	3	3	-	-	16	3	4	1	-
Safety enforcement, 49 U.S.C. 559.....	112	3	-	1.07	-	93	9	4	1	5	88	2	2	3	14
Totals.....	210	51	1	-	-	180	18	23	8	11	120	21	19	13	29
CIVIL SERVICE COMMISSION															
Watch list violations, 5 U.S.C. 118a.....	1	-	-	4.0	-	-	-	-	1	-	-	-	-	-	1
FEDERAL COMMUNICATIONS COMMISSION															
Broadcast, 47 U.S.C. 307, 312, 316, 323, 405, 409.....	85	63	7	5.02	8	19	31	30	2	3	29	21	14	10	7
Common Carrier, 47 U.S.C. 204, 205, 214, 221, 222.....	16	8	-	3.75	-	5	6	4	-	1	9	2	1	1	3
Safety & Special Radio Services, 47 U.S.C. 329.....	4	1	-	1.0	-	2	2	-	-	-	2	1	-	-	-
Field Engineering & Monitoring, 47 U.S.C. 303(m)(2).....	5	1	1	1.6	-	4	-	1	-	-	1	-	-	3	1
Totals.....	110	73	8	-	-	30	39	35	2	4	41	24	15	14	12

LENGTH OF TIME FROM CLOSE OF HEARING TO FINAL SUBMISSION TO EXAMINER AND FROM FINAL SUBMISSION TO EXAMINER TO ISSUANCE OF EXAMINER'S DECISION --
 2 OF HEARING CONFERENCE - SUSPENSION ON INTERLOCUTORY APPEALS - LENGTH OF HEARINGS - NUMBER OF HEARINGS REQUIRED FROM TO EXAMINER'S DECISION -- (Continued)

Types of proceedings reported by the agencies	Total cases disposed of on merits after hearing	No. of cases in which pre-hearing conferences were held	Cases which were suspended on interlocutory appeals	Aver. no. of days of hearing prior to examiner's decision	Cases in which hearing requested prior to examiner's decision	Time from end of hearing to final submission to examiner				Time from final submission to examiner to issuance of examiner's decision			
						Number of proceedings				Number of proceedings			
						15 days or less	16 to 30 days	31 to 60 days	over 60 days	16 to 30 days	31 to 60 days	61 to 90 days	over 90 days
												91 days to 6 mos.	over 6 mos.
FEDERAL MARITIME BOARD													
Regulatory, 46 U.S.C. 813, 822, 845, 861 et seq.	9	2	-	6.11	-	-	1	4	2	-	2	2	4
Subsidy, 46 U.S.C. 1101 et seq.	3	2	-	35.0	-	-	1	-	-	-	1	1	1
Charter, 50 U.S.C. App. 1738	10	-	-	2.0	-	10	-	-	-	8	2	1	-
Totals	22	4	-		-	11	1	4	2	8	3	3	2
FEDERAL POWER COMMISSION													
NCA export or import applications, 15 U.S.C. 717b	-	-	-	-	-	-	-	-	-	-	-	-	-
NCA new schedule investigations, 15 U.S.C. 717c(e)	14	-	-	16.43	-	-	-	1	5	8	1	1	6
NCA rate determinations, 15 U.S.C. 717d(a)	2	-	-	8.5	-	-	1	1	-	-	-	1	-
NCA new sched. suspensions and rate determinations, 15 U.S.C. 717e(e), 717d(b)	3	-	1	7.0	-	-	-	1	1	1	-	1	1
NCA extension of transportation facilities, 15 U.S.C. 717f(a)	3	-	-	8.33	-	-	2	1	-	1	-	-	-
NCA abandonment of service permits, 15 U.S.C. 717f(b)	-	-	-	-	-	-	-	-	-	-	-	-	-
NCA extension of convenience and necessity, 15 U.S.C. 717f(c)	9	-	-	6.89	-	-	2	4	3	-	3	1	-
NCA certificates of construction or abandonment, 15 U.S.C. 717f(d), (e)	1	-	-	5.0	-	-	1	-	-	-	-	-	-
NCA 7 certificates other than (d), (e) certificates, 15 U.S.C. 717f(f)	-	-	-	-	-	-	-	-	-	-	-	-	-
FPA project works construction licenses, 16 U.S.C. 797(e)	-	-	-	-	-	-	-	-	-	-	-	-	-
Totals	32	1	-		-	6	8	9	9	6	3	5	4
FEDERAL TRADE COMMISSION													
Cease and desist orders, 15 U.S.C. 21, 45, 52, 68d, 69f, 119a	72	29	22	6.69	1	2	3	25	20	22	15	22	10
HEALTH, EDUCATION & WELFARE DEPT.													
FOOD AND DRUG ADMINISTRATION													
Suspension of new drug applications, 21 U.S.C. 355(e)	-	-	-	-	-	-	-	-	-	-	-	-	-

TABLE VIII. --LENGTH OF TIME FROM CLOSE OF HEARING TO FINAL SUBMISSION TO EXAMINER AND FROM FINAL SUBMISSION TO ISSUANCE OF EXAMINER'S DECISION--
USE OF PREHEARING CONFERENCES - SUSPENSION ON INTERLOCUTORY APPEALS - LENGTH OF HEARINGS REOPENED PRIOR TO EXAMINER'S DECISION--Continued

Types of proceedings reported by the agencies	Total cases disposed of on merits after hearing	No. of cases in which preliminary conferences were held	Cases which were suspended on interim appeals	Cases in which hearing was recognized prior to ex parte decision	Time from end of hearing to final submission to examiner					Time from final submission to examiner to issuance of examiner's decision					
					Number of proceedings					Number of proceedings					
					15 days or less	16 to 30 days	31 to 60 days	61 to 90 days	over 90 days	15 days or less	16 to 30 days	31 to 60 days	61 to 90 days	over 90 days	
HEALTH, EDUCATION & WELFARE DEPT.—Con. SOCIAL SECURITY ADMINISTRATION Appeals from benefit rights determinations, 42 U.S.C. 405.....	4,202	-	(1)	-	-	-	-	-	-	-	-	-	-	-	-
INTERIOR DEPARTMENT BUREAU OF LAND MANAGEMENT Government contracts, 43 CFR 221.67, 221.68.....	83	8	-	-	-	5	31	24	21	2	11	42	34	6	-
Private contests, 43 CFR 221.51.....	7	-	-	-	-	-	1	5	-	1	-	3	4	-	-
Placer mining, 30 U.S.C. 621(b).....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Appeals from range managers' decisions, 43 U.S.C. 315h.....	28	-	-	-	-	6	10	8	4	-	6	4	11	7	-
Enforcement proceedings, 43 U.S.C. 315g.....	3	-	-	-	-	1	2	-	-	-	1	2	-	-	-
Totals.....	121	8	-	-	-	12	44	37	25	3	12	51	39	13	-
OFFICE OF THE SOLICITOR Indian protest cases, 25 U.S.C. 372, 373.....	2,319	(1)	-	-	-	-	-	-	-	-	-	-	-	-	-
INTERSTATE COMMERCE COMMISSION Certificates of convenience and necessity, 49 U.S.C. 1(19), 1(21), 6(11), 205, 909, 1010.....	2,276	10	-	-	-	3	2,071	4	205	-	-	3	252	1,176	295
Finance, transfer of operating authority, 49 U.S.C. 312, 912, 1010.....	129	1	-	-	-	-	52	52	25	-	-	-	6	36	93
Fares, fares, and charges, 49 U.S.C. 6(8), 16(1), 906(e), 908(d), 1005.....	293	10	-	-	-	3	122	40	128	-	-	3	73	58	38
Penalty Act reorganizations, 11 U.S.C. 205.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Complaints and investigations, 49 U.S.C. 305(e), 312, 904(e), 1010(f).....	30	-	-	-	-	-	-	-	6	30	-	-	-	6	30
Totals.....	2,725	21	-	-	-	-	-	-	-	-	-	-	-	-	-
JUSTICE DEPARTMENT OFFICE OF ALIEN PROPERTY Claims on merits, 50 U.S.C. App. 9, 32, 34.....	78	4	-	-	-	5	1	11	17	44	8	3	16	5	26
16 " " of disbarments.....	16	-	-	-	-	6	1	6	1	2	3	1	3	3	3
Totals.....	94	4	-	-	-	11	2	17	18	46	11	4	19	8	29

TABLE VIII--LENGTH OF TIME FROM CLASS OF HEARING TO FINAL SUBMISSION TO EXAMINER AND FROM FINAL SUBMISSION TO ISSUANCE OF EXAMINER'S DECISION--
USE OF HEARING CONFERENCE - SUSPENSION ON INTERLOCUTORY APPEALS - LENGTH OF HEARINGS - NUMBER OF HEARINGS RECEIVED PRIOR TO EXAMINER'S DECISION--Continued

Types of proceedings reported by the agencies	Total cases disposed of on merits after hearing held	No. of cases in which prior conference were held	Cases which were suspended on interlocutory appeals	Aver. no. of days of hearing	Cases in which hearing was responded prior to examiner's decision	Time from end of hearing to final submission to examiner					Time from final submission to examiner to issuance of examiner's decision				
						Number of proceedings					Number of proceedings				
						15 days or less	16 to 30 days	31 to 60 days	61 to 90 days	over 90 days	15 days or less	16 to 30 days	31 to 60 days	61 to 90 days	over 90 days
LABOR DEPARTMENT															
Wagner-Healey Act enforcement, 41 U.S.C. 438.....	21	6	-	2.9	2	3	6	5	4	3	7	6	4	3	1
Davis-Bacon Act minimum wage determinations, 40 U.S.C. 2768.....	1	1	-	2.0	-	-	-	-	-	1	-	-	-	-	-
Totals.....	22	7	-	-	2	3	6	5	4	4	7	6	5	3	1
NATIONAL LABOR RELATIONS BOARD															
CA cases (unfair practices by employer), 29 U.S.C. 158(a), 160(b).....	148	-	-	3.24	4						10 1	10 9	10 39	10 35	10 43
CB cases (unfair practices by union), 29 U.S.C. 158(b)(1)(2)(3)(5)(6), 160(b).....	33	-	-	3.42	1						(11)-	11 3	11 23	11 6	11 8
CC cases (unfair practices by union), 29 U.S.C. 158(b)(4)(a)(B)(C), 160(b).....	41	-	-	3.12	1						12 1	12 3	12 15	12 12	12 5
CD cases (unfair practices by union), 29 U.S.C. 158(b)(4)(D), 160(b), (k).....	8	(13)	(13)	3.75	(12)-						-	13 1	13 2	13 1	13 1
CA-CC cases, 29 U.S.C. 160(b).....	31	-	-	3.61	-						-	16 2	16 10	16 9	16 8
CA-CC cases, 29 U.S.C. 160(b).....	3	-	-	2.8	-						-	-	2	3	-
CC-CD cases, 29 U.S.C. 160(b).....	1	-	-	3.33	-						-	-	1	-	-
EC cases (employee petitions for certification of representatives), 29 U.S.C. 159(c)(1)(A)(C).....	18	-	-	3.11	-						-	-	-	-	-
Totals.....	288	-	-	-	13 6						2	1	9	4	2
POST OFFICE DEPARTMENT															
Exam orders, 39 U.S.C. 249, 732.....	16	-	1	2.44	1	6	3	4	2	1	7	1	1	1	2
"Whistleblower" orders, 39 U.S.C. 259a.....	25	-	-	1.08	-	4	9	5	5	2	4	3	1	10	2
Mailability cases, 18 U.S.C. 1464.....	2	-	-	1.0	-	2	-	-	-	-	2	-	-	-	-
Second class mail privileges, 39 U.S.C. 232.....	5	-	-	1.2	-	1	-	3	1	-	1	2	1	1	-
Totals.....	48	-	1	-	1	13	12	12	8	3	15	7	5	3	12

See footnote at end of table.

TABLE VIII.--LENGTH OF TIME FROM CASE OF HEARING TO FINAL SUBMISSION TO EXAMINER AND FROM FINAL SUBMISSION TO ISSUANCE OF EXAMINER'S DECISION.--
USE OF PREHEARING CONFERENCES - SUSPENSION ON INTERLOCUTORY APPEALS - LENGTH OF HEARINGS - NUMBER OF HEARINGS REQUESTED PRIOR TO EXAMINER'S DECISION--Continued

Types of proceedings reported by the agencies	Total cases disposed of on merits after hearing	No. of cases in which prehearing conferences were held	Cases which were suspended on interlocutory appeals	Aver. no. of days of hearing	Cases in which hearing was reopened prior to decision	Time from end of hearing to final submission to examiner				Time from final submission to examiner to issuance of examiner's decision			
						Number of proceedings				Number of proceedings			
						15 days or less	16 to 30 days	31 to 60 days	61 to 90 days	15 days or less	16 to 30 days	31 to 60 days	61 to 90 days or over 6 mos.
SECURITIES AND EXCHANGE COMMISSION													
Stop orders, 5A of '33, 15 U.S.C. 77(d).....	13	-	-	5.6	-	-	1	4	3	2	-	3	5
Denial or revocation of order or suspension of registration, 15 U.S.C. 78d(b), 78e-3(j).....	13	-	-	2.15	1	-	2	2	-	2	-	9	2
Suspension or withdrawal of registration, SEA of '34, 15 U.S.C. 78e(a).....	-	-	-	-	-	-	-	-	-	-	-	-	-
Sales or acquisition of assets, PURCA of '33, 15 U.S.C. 79g, 79j.....	-	-	-	-	-	-	-	-	-	-	-	-	-
Exemptions under PURCA, 15 U.S.C. 79c.....	-	-	-	-	-	-	-	-	-	-	-	-	-
Exemptions under IOA, 15 U.S.C. 80a-3, 80a-6, 80a-17, 80a-39.....	1	-	-	(12)	-	-	-	-	-	1	-	-	1
Revoc. or denial of investment adviser registration, 15 U.S.C. 80b-3	-	-	-	-	-	-	-	-	-	-	-	-	-
PURCA Reorganization plans, 15 U.S.C. 79c.....	-	-	-	-	-	-	-	-	-	-	-	-	-
Totals.....	24	-	-	-	1	-	5	7	7	5	2	12	7
SUBVERSIVE ACTIVITIES CONTROL BOARD													
Alleged communist-front and communist-front organizations, 50 U.S.C. 792(c), 792a.....	3	2	1	24.0	-	-	2	-	-	1	-	-	1
TOTALS.....													
1,354	31	-	1,227	4	1.27	-	54	46	17	10	1,160	55	29
DIRECTOR OF PRACTICE													
Disbarment and suspension, 5 U.S.C. 261.....	2	1	-	2.0	-	1	-	-	-	1	1	-	-
INTERNAL REVENUE SERVICE													
ALCOHOL & TOBACCO TAX DIVISION													
Permit proceedings, 26 U.S.C. 5304, 5712, 5713, 27 U.S.C. 204.....	34	-	-	1.05	-	15	21	15	8	-	15	11	15
GRAND TOTAL - 21 AGENCIES.....	11,696												

See footnotes following page.

Footnotes for Table VIII.

- 1 Other data not available.
- 2 Total hours in hearing in these 2,276 cases was 13,656. Number of days on which hearings were held not available.
- 3 Division of these cases into those which involved from 1 to 15 days and those which involved from 16 to 30 days not available.
- 4 Division of 205 cases between those involving 31 to 60 days and those involving 61 to 90 days not available.
- 5 Total hours in hearing in these 129 cases was 1,880. Number of days on which hearings were held not available.
- 6 These cases involved 90 days or less. Breakout of this figure into shorter periods not available.
- 7 Total hours in hearing in these 290 cases was 3,648. Number of days on which hearings were held not available.

- 8 Total hours in hearing in these 20 cases was 608. Number of days on which hearings were held not available.
- 9 Estimate.
- 10 Figures exclude 11 cases for which data not available.
- 11 Figures exclude 3 cases for which data not available.
- 12 Figures exclude 4 cases for which data not available.
- 13 Figures exclude 4 cases for which data not available.
- 14 Noted in text to 8 few cases because exact periods not available.
- 15 Estimate.
- 16 Figures exclude 2 cases for which data not available.

TABLE IX.--HEARING EXAMINER STAFF--AVERAGE NUMBER OF DAYS PER MAN-YEAR SPENT IN HEARINGS AND PRE-HEARING CONFERENCES--AVERAGE NUMBER OF DECISIONS ON THE MERITS AND TOTAL NUMBER OF PROCEEDINGS ASSIGNED TO EXAMINERS FOR CONDUCT OF HEARING ONLY

Agency	Number of examiners employed July 1, 1956	Number of examiners employed June 30, 1957	Number borrowed from other agencies during year	Number loaned to other agencies during year	Total man-years available to agency fiscal 1957	Average number days in hearings and conferences per man-year	Average number decisions on merits per man-year in all types of proceedings	Total proceedings assigned for conduct of hearing only
Agriculture Dept.....	5	5	-	-	5	72.4	4.8	73
Civil Aero. Board.....	23	23	-	-	23	26.7	26.6	-
Civil Service Comm.....	1	1	-	1	.7	12 5.5	12 2.7	-
Fed. Communications C..	10	12	-	1	10.1	(1)	10.9	1
Fed. Maritime Board....	5	6	-	-	4.9	29.4	4.5	-
Fed. Power Commission..	11	11	-	2	10.7	197.7	3	-
Fed. Trade Commission..	11	12	-	-	11.4	58.8	2 20	-
Food & Drug. Adm. HEW..	1	1	-	-	.9	6.5	-	2
Social Security, HEW....	23	24	-	-	3 34	(4)	3 123.6	-
Bur. of Land Mgmt. Int..	5 4	9	-	-	6 6.6	6 29.1	6 18.3	-
Solicitor's Off. Int....	13	12	-	-	12.3	(4)	188.5	-
Interstate Commerce....	105	95	-	-	7 100	7 25.7	7 39.1	-
Alien Property.....	6	6	-	-	6	20.8	15.7	-
Labor Department.....	2	2	-	-	-	37.5	11	4
Nat. Labor Relat. Bd....	45	45	-	7	41.3	28.5	7	-
Post Office Dept.....	2	2	2	-	8 2.3	35.2	9 37	-
Sec. & Exch. Comm.....	3	3	1	-	3.9	29.2	6.2	42
Subvers. Act. Contr. Bd	1	1	-	1	10 .8	97.5	3.8	-
Const Guard, TD.....	13	13	-	-	13	135.2	104.2	-
TD Dir. Pract. & A & TT	3	3	-	-	3	20	12	-
Totals.....	287	316	3	11 12	291.9	(4)	32 Aver.	122

- ¹ Average number of hours per man-year was 116.4. Number of days on which hrgs. & confers. held not avail.
² 68% of FTC examiner decisions on merits (13.6 decisions per man-year) were consent decisions.
³ Of 54 examiners on duty at the end of the year, 32 were recruited during the year. Each spent approx. 4 weeks in training. Figure includes total time employed, without subtraction for training.
⁴ Information not available.
⁵ 1 examiner assigned to Solicitor's Off. handling cases under Fed. Range Code and 3 Field Commissioners who were apptd. examiners 10/29/56 but performed duties of examiners for the full year.
⁶ Includes the time of the 1 Sole. Off. examiner handling Fed. Range Code cases, the 3 Fid. Comms. for the full year, and total time of 5 examiners recruited during the year, without subtraction for time necessarily involved in establishing new offices in the field and setting up new schedules.
⁷ Excludes time of Joint Board Members nominated by the States (49 U.S.C. 305(a)).
⁸ 5 second-class entry hrgs. were held by a person not an examiner. His time is not included in man-years.
⁹ 43.5% of Post Office examiner decisions on the merits (16.1 per man-year) were default decisions.
¹⁰ The 5 Presidentially-appointed members of the Bd. also presided in proceedings. Their time not incl.
¹¹ The NLRB loaned 2 examiners to the Post Office Department and one to the SEC. The remaining 4 loaned by the NLRB as well as the 5 loaned by other agencies were loaned to agencies which do not regularly employ examiners and hence, agencies not included in this report. The few hearings conducted for those agencies generally were of such nature as to be outside the scope of this report.
¹² The CSC examiner also handles proceedings against Federal employees charged with prohibited political activity. These cases are not included since they are not proceedings under the APA.

APPENDIX

PROVISIONS OF AGENCY RULES ON SERVICE OF PROCESS

AGENCY		By whom served		Upon whom served		Method of service				When service complete	Filing with agency	Proof of service required
		Agency	Person filing	Counsel	Party	Personally	Mail	Telegraph	Publication			
Agriculture--Secretary	(1)	X		X	X	X	X			X		X
AUS--Marketing Agreements	(2)	X				X	X			X		X
AUS--Perishable Ag. Commodities	(3)	X		X	X	X	X			X		X
Commodity Exchange Authority	(4)	X		X	X	X	X			X		X
Packers & Stockyards Act	(5)	X		X	X	X	X			X		X
Atomic Energy Commission	(6)	X	X	X	X	X	X	X	X	X		X
Civil Aeronautics Board	(7)	X	X	X	X	X	X			X		X
Civil Service Commission	(8)	X				X	X					X
Federal Communications Comm.	(9)	X	X	X	X	X	X					X
Federal Deposit Ins. Corp.	(10)	X		X	X	X	X					X
Federal Home Loan Bank Board	(10a)	X		X	X	X	X				X	X
Federal Maritime Board	(11)	X	X	X	X	X	X			X		X
Federal Power Commission	(12)	X	X	X	X	X	X					X
Federal Reserve System	(13)	X		X	X	X	X					X
Foreign Claims Settlement Comm.	(14)	X		X	X	X	X	X	X		X	X
Health, Education & Welfare-OASI	(15)			X		X						X
Indian Claims Commission	(16)			X	X	X	X			X		X
Interior--Board of Contract Appeals	(17)		X			X	X					X
Bureau of Land Management	(18)	X	X	X	X	X	X			X		X
Bureau of Indian Affairs	(19)	X		X	X	X	X					X
Interstate Commerce Commission	(20)	X	X	X	X	X	X			X		X
Justice--Alien Property	(21)	X	X	X	X	X	X					X
Immigration & Naturalization	(22)			X	X	X	X					
National Labor Relations Board	(23)	X	X			X	X	X				
Securities & Exchange Comm.	(24)	X		X	X	X	X					X
Subversive Activities Control Board	(25)											
Treasury--Coast Guard	(26)	X				X	X					

- | | | |
|----------------------------|--------------------------------|---------------------------------|
| (1) 17 CFR § 0.22(b), (d) | (10) 12 CFR § 308.14 | (18) 43 CFR § 221.95 |
| (2) 7 CFR § 900.69(b), (d) | (10a) 24 CFR § 109.2 | (19) 25 CFR § 81.4 |
| (3) 7 CFR § 47.4 | (11) 46 CFR §§ 201.113 et seq. | (20) 49 CFR § 1.22 |
| (4) 17 CFR § 0.72(b), (d) | (12) 18 CFR § 1.17 | (21) 8 CFR § 502.26 |
| (5) 9 CFR § 202.22(b), (d) | (13) 12 CFR § 263.12 | (22) 8 CFR §§ 292.11, 292.12 |
| (6) 10 CFR § 2.703 | (14) 45 CFR § 501.3 | (23) 29 CFR § 102.14 |
| (7) 14 CFR §§ 301.6, 302.8 | (15) 20 CFR § 403.713(e) | (24) 17 CFR §§ 201.3, 201.14(b) |
| (8) 5 CFR § 23.3 | (16) 25 CFR § 503.4(a)(2) | (25) 28 CFR § 201.4 |
| (9) 47 CFR § 1.56 | (17) 43 CFR § 4.13 | (26) 46 CFR § 137.05-15 |

PRESIDENT'S CONFERENCE ILLUSTRATIVE RULE

SERVICE OF PROCESS

- (i) By Whom Served. The Agency shall serve all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.
- (ii) Upon Whom Served. All papers served by either the Agency or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.
- (iii) Service Upon Parties. The final order, and any other paper required to be served by the Agency upon a party, shall be served upon such party or upon the agent

designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

- (iv) Method of Service. Service of papers shall be made personally or, unless prohibited by law, by first-class or registered mail, telegraph or by publication.
- (v) When Service Complete. Service upon parties shall be regarded as complete: by mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid; by publication when due notice shall have been given in the publication for the time and in the manner provided by law or rule.
- (vi) Filing with Agency. Papers required to be filed with the Agency shall be deemed filed upon actual receipt by the Agency at the place specified in its rules accompanied by proof of service upon parties required to be served. Upon such actual receipt the filing shall be deemed complete as of the date of deposit in the mail or with the telegraph company as provided in paragraph (v).

PROVISIONS OF AGENCY RULES ON SUBPENAS

Agency	Form	Issuance to parties	Service					Fees		Proof of service	Provision for quashing	Judicial enforcement of subpoenas issued to parties	Need for documents must be shown
			Age of server	Delivery	Tender of fees and mileage	Special rule for U.S. subpoena	Service may be by mail	Paid by party calling	Amount as in U.S. Courts				
Agriculture--Secretary	(1)	X	X	X			X	X	X	X			X
AIS--Marketing Agreements	(2)	X	X	X			X	X	X	X			X
AIS--Perishable Ag. Commodities	(3)	X	X	X			X	X	X	X			X
Commodity Exchange Authority	(4)	X	X	X			X	X	X	X			X
Packers & Stockyards Act	(5)	X	X	X			X	X	X	X			X
*Atomic Energy Commission	(6)	X	X	X	X	X		X	X	X	X	X	X
Civil Aeronautics Board	(7)	X						X		X		X	X
Civil Service Commission	(8)	X						X	X	X		X	X
Fed. Coal Mine Safety Bd. of Review	(9)	X						X	X	X	X	X	X
Federal Communications Commission	(10)	X	X	X	X	X		X	X	X		X	X
Federal Maritime Board	(11)	X		X				X	X	X			X
Federal Power Commission	(12)	X		X				X	X	X			X
Foreign Claims Settlement Comm.	(13)	X	X					X	X	X	X	X	X
Indian Claims Commission	(14)	X	X	X	X	X		X	X	X		X	X
Interior--Bur. of Indian Affairs	(15)												
Bur. of Land Management	(16)	X						X	X	X			
Interstate Commerce Commission	(17)	X		X	X			X	X	X			
Justice--Alien Property	(18)	X						X	X	X			
Labor--Public Contracts Division	(19)	X						X	X	X			
National Labor Relations Board	(20)	X						X	X	X	X	(21)	
Subversive Activities Control Bd.	(22)	X						X	X	X			
Treasury--Coast Guard	(23)	X											

- (1) 17 CFR §§ 0.13, 0.14
(2) 7 CFR §§ 900.62, 900.63
(3) 7 CFR §§ 47.17, 47.18
(4) 17 CFR §§ 0.63, 0.64
(5) 9 CFR §§ 202.13, 202.14
(6) 10 CFR § 2.744
(7) 14 CFR § 301.14
(8) 5 CFR §§ 23.13, 23.14
(9) 30 CFR §§ 401.22, 401.24
(10) 47 CFR §§ 1.131 - .135
(11) 46 CFR §§ 201.131 - 201.133
(12) 18 CFR § 1.23
(13) 45 CFR § 901.2
(14) 25 CFR § 503.24
(15) 25 CFR § 81.9
(16) 43 CFR §§ 221.104 - .106. "The issuance of subpoenas, service, attendance fees, and similar matters shall be governed by the act of January 31, 1903 (43 U.S.C. 102-106) and 28 U.S.C. 1821."

- (17) 49 CFR § 1.56
(18) 8 CFR §§ 502.14, 502.15
(19) 41 CFR § 203.6
(20) 29 CFR §§ 102.31, 102.32
(21) "Upon the failure of any person to comply with a subpoena issued upon the request of a private party, the general counsel [of NLRB] shall in the name of the Board but on relation of such private party, institute proceedings in the appropriate district court for the enforcement of such subpoena, but neither the general counsel nor the Board shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court." 29 CFR § 102.31(d)
(22) 28 CFR § 201.16
(23) 46 CFR § 137.09-5(b)
*The rule of AEC closely parallels the illustrative rule.

PRESIDENT'S CONFERENCE ILLUSTRATIVE RULE

SUBPENAS

(i) **Form.** Every subpoena shall state the name of the Agency and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated evidence at a specified time and place.

(ii) **Issuance to Parties.** Upon application of counsel (or other representative authorized to practice before the

Agency) for any party to a proceeding governed by Sections 7 and 8 of the Administrative Procedure Act, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The agency may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

- (iii) Service. Unless the service of a subpoena is acknowledged on its face by the witness, it shall be served by a person who is not a party and is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy of the subpoena to such person and by tendering him the fees for one day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the United States or its officer or agency, fees and mileage may but need not be tendered, and the subpoena may be served by registered mail.
- (iv) Fees. Witnesses summoned before an agency shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the courts of the United States.
- (v) Proof of Service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the Agency or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than a United States marshal or his deputy, or an officer of the Agency, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.
- (vi) Quashing. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the Agency or its authorized member or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.
- (vii) Enforcement. Upon application and for good cause shown, the Agency will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

lowing portions of the uniform subpoena rule would
gislation:

ar to Issue. In any hearing, investigation or other
eeding in which an Agency is authorized by law to
e subpoenas, such Agency or any member of such
cy, any hearing officer appointed pursuant to
ion 11 (of the Administrative Procedure Act), or
officer designated by it may issue subpoenas re-
ing the attendance of witnesses to testify or to
uce evidence.

graphical Scope. Such attendance of witnesses and
production of evidence may be required from any
e in the United States or any Territory or posses-
thereof, at any designated place of hearing.

rcement. In case of contumacy or refusal to obey a
ena issued to any person, any court of the United
s within the jurisdiction of which such hearing,
stigation or proceeding is carried on, or in which
person to whom the subpoena is addressed is found
esides or transacts business, upon application by
Agency, may issue an order requiring such person
ppear before the Agency or member or officer
gnated by the Agency, and give testimony, or
uce evidence, or both, touching the matter under
stigation or in question.

1 order of such court directing compliance with a
ena shall not be subject to appeal. Any failure to
such order of the court may be punished by the
t as a contempt thereof. All process in any such
may be served in the judicial district in which
person resides or in which he may be found.

alties. Any person who shall wilfully neglect or
se to attend and testify or to produce evidence, if
is power to do so, in obedience to the subpoena of
agency shall be guilty of an offense and upon con-
on by a court of competent jurisdiction shall be
shed by a fine of not more than \$1,000 or by im-
onment for not more than one year, or by both such
and imprisonment.

Agency) for any party to a proceeding governed by Sections 7 and 8 of the Administrative Procedure Act, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The agency may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

- (iii) Service. Unless the service of a subpoena is acknowledged on its face by the witness, it shall be served by a person who is not a party and is not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy of the subpoena to such person and by tendering him the fees for one day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the United States or its officer or agency, fees and mileage may but need not be tendered, and the subpoena may be served by registered mail.
- (iv) Fees. Witnesses summoned before an agency shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the courts of the United States.
- (v) Proof of Service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the Agency or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than a United States marshal or his deputy, or an officer of the Agency, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.
- (vi) Quashing. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the Agency or its authorized member or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions.
- (vii) Enforcement. Upon application and for good cause shown, the Agency will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

The following portions of the uniform subpoena rule would require legislation:

- (viii) Power to Issue. In any hearing, investigation or other proceeding in which an Agency is authorized by law to issue subpoenas, such Agency or any member of such Agency, any hearing officer appointed pursuant to Section 11 (of the Administrative Procedure Act), or any officer designated by it may issue subpoenas requiring the attendance of witnesses to testify or to produce evidence.
- (ix) Geographical Scope. Such attendance of witnesses and such production of evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.
- (x) Enforcement. In case of contumacy or refusal to obey a subpoena issued to any person, any court of the United States within the jurisdiction of which such hearing, investigation or proceeding is carried on, or in which the person to whom the subpoena is addressed is found or resides or transacts business, upon application by the Agency, may issue an order requiring such person to appear before the Agency or member or officer designated by the Agency, and give testimony, or produce evidence, or both, touching the matter under investigation or in question.

An order of such court directing compliance with a subpoena shall not be subject to appeal. Any failure to obey such order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in the judicial district in which such person resides or in which he may be found.

- (xi) Penalties. Any person who shall wilfully neglect or refuse to attend and testify or to produce evidence, if in his power to do so, in obedience to the subpoena of the agency shall be guilty of an offense and upon conviction by a court of competent jurisdiction shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

PROVISIONS IN AGENCY RULES ON DEPOSITIONS AND INTERROGATORIES

Agency		Depositions										Depositions up Interrogatorie			
		Right to take	Scope	Officer before whom taken	Authorization	Protection of parties and deponents	Oral examination and cross-examination	Recording	Signing, attestation and return	Use and effect	Fees of officers and deponents	Submission of interrogatories	Interrogation	Attestation and return	Provisions deposition
Agriculture															
AMS--Marketing Agreements	(1)	X		X	X		X	X	X	X		X	X		
AMS--Perishable Ag. Commodities	(2)	X		X	X		X	X	X	X		X	X		
Commodity Exchange Authority	(3)	X		X	X		X	X	X	X		X	X		
Packers and Stockyards Act	(4)	X		X	X		X	X	X	X		X	X		
*Atomic Energy Commission	(5)	X	X	X	X		X	X	X	X	X	X	X	X	
Civil Aeronautics Board	(6)	X		X	X		X	X	X	X		X	X		
Civil Service Commission	(7)	X		X	X		X	X	X	X		X	X		
Fed. Coal Mine Safety Bd. of Review	(8)	X		X	X		X	X	X	X		X	X		X
Federal Communications Comm.	(9)	X		X	X	X	X	X	X	X		X	X		
Federal Maritime Board	(10)	X		X	X		X	X	X	X		X	X		
Federal Power Commission	(11)	X	X	X	X		X	X	X	X		X	X		
Foreign Claims Settlement Comm.	(12)	X		X	X		X	X	X	X		X	X		
Indian Claims Commission	(13)	X	X	X	X		X	X	X	X		X	X		X
Interstate Commerce Comm.	(14)	X		X	X		X	X	X	X		X	X		
Justice--Alien Property	(15)	X		X	X		X	X	X	X		X	X		X
Labor--Public Contracts Div.	(16)	X		X	X		X	X	X	X		X	X		
National Labor Relations Bd.	(17)	X		X	X		X	X	X	X		X	X		
Post Office Department	(18)	X		X	X		X	X	X	X		X	X		X
Securities & Exchange Comm.	(19)	X		X	X		X	X	X	X		X	X		X
Subversive Activities Control Bd.	(20)	X		X	X		X	X	X	X		X	X		
Tariff Commission	(21)	X		X	X		X	X	X	X		X	X		
Treasury--Coast Guard	(22)	X		X	X		X	X	X	X		X	X		X

(1) 7 CFR § 930.61

(2) 7 CFR § 47.16

(3) 17 CFR § 0.62

(4) 9 CFR § 202.12

(5) 10 CFR § 2.745

(6) 14 CFR § 302.20

(7) 5 CFR § 23.16

(8) 30 CFR §§ 401.24 - .31

(9) 47 CFR §§ 1.121- .130

(10) 46 CFR §§ 201.201 - 201.210

(11) 18 CFR § 1.24

(12) 45 CFR § 501.5

(13) 25 CFR §§ 503.14 - 503.19

(14) 49 CFR §§ 1.57 - 1.67

(15) 8 CFR § 502.16

(16) 41 CFR § 203.6

(17) 29 CFR §§ 102.30, 102.32

(18) 39 CFR § 201.19; 22 F.R. 3316 (May 11, 1957)

(19) 17 CFR § 201.8

(20) 28 CFR § 201.17, 201.19

(21) 19 CFR § 201.16, 201.17

(22) 46 CFR §§ 136.12, 139.09-52

*The rule of AEC closely parallels the illustrative rule.

PRESIDENT'S CONFERENCE ILLUSTRATIVE RULE

DEPOSITIONS AND INTERROGATORIES

DEPOSITIONS

- (i) Right to Take. Except as otherwise provided, in an order made pursuant to paragraph (d), any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave, granted with or without notice, must be obtained if notice of the taking is served by a proponent within thirty days after the filing of a complaint, application or petition. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this Rule and the Rule on subpoenas.

- (ii) Scope. Unless otherwise ordered as provided in paragraph (e), the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.
- (iii) Officer Before Whom Taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held; within a foreign country, depositions shall be taken before a Secretary of an Embassy or Legation, Consul General, Vice Consul or Consular Agent of the United States, or a person designated by the Agency, or agreed upon by the parties by stipulation in writing filed with the Agency. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding.
- (iv) Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to the Agency and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.
- (v) Protection of Parties and Deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the Agency may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the Agency, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously

file specified documents or information enclosed in sealed envelopes to be opened as directed by the Agency; or the Agency may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the Agency may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination it shall be resumed thereafter only upon the order of the Agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

- (vi) Oral Examination and Cross Examination. Examination and cross examination shall proceed as provided in rules governing the reception of evidence at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim.
- (vii) Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.
- viii) Signing Attestation and Return. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the

witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the Agency holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered mail to the Secretary of the Agency for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

- (ix) Use and Effect. Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this Rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

- (x) Fees of Officers and Deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the District Courts of the United States, which fees shall be paid by the party at whose instance the depositions are taken.

DEPOSITIONS UPON INTERROGATORIES

- (i) Submission of Interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to

answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within 10 days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

- (ii) Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in paragraph (iii), the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.
- (iii) Attestation and Return. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered mail the original copy of the deposition and exhibits with his attestation to the Secretary of the Agency, one copy to the counsel who submitted the interrogatories and another copy to the deponent.
- (iv) Provisions of Deposition Rule. In all other respects, depositions upon interrogatories shall be governed by the previous Deposition Rule.

PROVISIONS OF AGENCY RULES ON OFFICIAL NOTICE

Agency		Objects of official notice			Procedure for taking official notice		Limiting effects of official notice	
		Matters as may be judicially noticed by U.S. Courts	Matters within Agency expert knowledge	Generally established technical and scientific facts	Notice to be given that official notice is being taken	Official notice to be taken on motion	Parties may show matters erroneously noticed	Parties may show the contrary
Agriculture								
AMG--Marketing Agreements	(1)	X		X	X		X	X
AMG--Perishable Ag. Commodities	(2)	X		X	X		X	
Packers and Stockyards	(3)	X		X	X		X	
Atomic Energy Commission	(4)	X	X		X			X
Federal Coal Mine Safety Board of Review	(5)	X	X					X
Federal Power Commission	(6)	X	X					X
Interior - Bureau of Land Management	(7)	X	X	X				X
Post Office Department	(8)	X			X	X		
Treasury - Coast Guard	(9)							X
(1) 7 CFR § 900.8(d)(5)		(4) 10 CFR § 2.750		(7) 43 CFR § 221.100				
(2) 7 CFR § 47.15(f)(7)		(5) 30 CFR § 401.23		(8) 39 CFR § 201.16(d)				
(3) 9 CFR § 202.11(e)(7)		(6) 18 CFR § 1.26(d)		(9) 46 CFR § 137.09-5(g)				

PRESIDENT'S CONFERENCE ILLUSTRATIVE RULE

OFFICIAL NOTICE

RULE 1--MATTERS OF LAW

The Agency or its hearing officer, with or without prior request or notice, will officially notice:

- (i) Federal Law. The Constitution; Congressional Acts, Resolutions, Records, Journals and Committee Reports; Decisions of Federal Courts and Administrative Agencies; Executive Orders and Proclamations; and all rules orders and notices published in the Federal Register;
- (ii) State Law. The public laws and the decisions of Courts of record of each State of the United States;
- (iii) Governmental Organization. Organization, territorial limitations, officers, departments, and general administration of the Government of the United States, the several States and foreign nations;
- (iv) Agency Organization. The Agency's organization, administration, officers, personnel, official publications, and practitioners before its bar.

RULE 2--MATERIAL FACTS

In the absence of controverting evidence, the Agency and its hearing officers, with or without prior notice or request may officially notice:

- (i) Agency Proceedings. The pendency of, the issues and position of the parties therein, and the disposition of

any proceeding then pending before or theretofore concluded by the Agency;

- (ii) Business Customs. General customs and practices followed in the transaction of business;
- (iii) Notorious Facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in a publication authorized or permitted by law to be made by any Federal or state officer, department, or agency;
- (iv) Technical Knowledge. Matters within the technical knowledge of the Agency as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction.

Upon the following conditions:

- (i) Request or Suggestion. Any party may request, or the hearing officer or the agency may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any pre-hearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;
- (ii) Statement. Where an initial or final decision of the Agency rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer or the Agency may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence.
- (ii) Controversion. Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or non-existence of the material fact assumed or denied in the decision.

PROVISIONS IN AGENCY RULES ON PREHEARING CONFERENCE

Agency		Basis for initiation			Purposes stated		Recording	Effect	Other
		By agency	On motion of parties	Generally required	In detail	Generally			
Agriculture									
AMS--Marketing Agreements	(1)	X			X		X	X	(1a)
AMS--Perishable Ag. Commodities	(2)	X			X		X	X	(3a)
Commodity Exchange Authority	(3)	X			X		X	X	(1a)
Packers and Stockyards Act	(4)	X			X		X	X	(1a)
Atomic Energy Commission	(5)	X				X	X	X	
Civil Aeronautics Board	(6)			(6a)	X		X	X	
Federal Communications Commission	(7)	X	X		X		X	X	
Federal Maritime Board	(8)	X			X		X	X	
Interior--Bureau of Land Management	(9)	X	X		X		X	X	
Interstate Commerce Commission	(10)	X			X		X	X	(10a)
Justice--Alien Property	(11)	X				X	X	X	
Labor--Bur. of Empl. Compensation:									
Longshoremen's Compensation	(12)			X	X		X	X	
Public Contracts Division	(13)	X	X		X		X	X	

- (1) 7 CFR § 900.58
 (1a) "If the circumstances are such that a conference is impracticable, the presiding officer may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth [for the prehearing conference]."
 (2) 7 CFR § 47.14
 (3) 17 CFR § 0.65
 (4) 9 CFR § 202.15
 (5) 10 CFR § 2.740
 (6) 14 CFR § 302.23
 (6a) "[I]n economic enforcement proceedings where the issues are drawn by the pleadings such conference will usually be omitted."
 (7) 47 CFR § 1.111 - .113
 (8) 46 CFR § 201.94
 (9) 43 CFR § 221.11
 (10) 49 CFR § 1.68
 (10a) "[I]n lieu of [parties or their attorneys] personally appearing to submit suggestions in writing [to the Commission or hearing officer], for the purpose of formulating issues and considering [other objectives for the prehearing conference]."
 (11) 8 CFR § 502.11
 (12) 20 CFR § 31.8
 (13) 41 CFR § 203.7

REQUIREMENTS FOR ADMISSION OF ATTORNEYS TO PRACTICE BEFORE ADMINISTRATIVE AGENCIES DECEMBER 31, 1957

Agency		Application required	Certificate of court	Examination required
Board of Immigration Appeals and Immigration & Naturalization Service	(1)	X	X	
Interstate Commerce Commission	(2)	X	X	
Patent Office	(3)	X		X(4)
Subversive Activities Control Board	(5)	X		
Treasury Department	(6)	X		
Veterans Administration	(7)	X		

- (1) 8 CFR part 292.
 (2) 49 CFR § 1.7 - .13.
 (3) 37 CFR § 1.341 - .348.
 (4) In patent cases only.
 (5) The requirement for an application was eliminated, effective January 16, 1958. 23 Fed. Reg. 267 (1958).
 (6) 31 CFR part 10.
 (7) 38 CFR § 14.629.

PROPOSED RULES FOR RECOGNITION OF ATTORNEYS

Practice by Attorneys. Any person who is a member in good standing of the bar of the Supreme Court of the United States or of the highest court of any state, territory, or of the District of Columbia, and is not under any order or any court suspending, enjoining, restraining, disbaring, or otherwise restricting him in the practice of law, may represent others before the agency.

Signature To Constitute Certificate. When a person acting in a representative capacity appears in person or signs a

paper in practice before this agency, his personal appearance or signature shall constitute a representation to the agency that under the provisions of these regulations and the law he is authorized and qualified to represent the particular party in whose behalf he acts. Further proof of a person's authority to act in a representative capacity may be required.

Service by or upon Attorneys. When any participant in any matter before [name of agency] is represented by an attorney-at-law and that fact has been made known in writing to the agency, any notice or other written communication required or permitted to be given to or by such participant shall be given to or by such attorney. Where any other method of service is specifically provided by statute, service shall also be made as so provided. If a participant is represented by more than one attorney, service by or upon any one of such attorneys shall be sufficient.

PROVISIONS OF AGENCY RULES ON DISBARMENT OF ATTORNEYS

Agency	Suspend- sion may be summary	Grounds for disbarment					Prerequisite to disbarment	
		"Good cause," "unfit" or in agency discre- tion	Viola- tion of stand- ards of conduct of courts	Viola- tion of stated rules	Disbar- ment by courts	Disbar- ment by other adminis- trative agencies	Notice to be given	Hearing afforded
Department of Agriculture								
Agricultural Marketing Service (1)	X			X			X	X
Commodity Exchange Authority (2)			X				X	X
Packers and Stockyards Act (3)			X				X	X
Department of Commerce								
Bureau of Foreign Commerce (4)		X		X			X	X
Civil Aeronautics Admin- istration (5)		X						X
Civil Aeronautics Board (6)		X						X
Patent Office (7)			X				X	X
Department of HEW								
FSA--Employee Comp. (8)				X			X	X
Appeal Bd.								
Department of the Interior (9)				X	X	X	X	X
Department of Justice								
Board of Immigration Appeals (10)				X	X	X	X	X
Immigration & Naturalization Service (10)				X	X	X	X	X
Department of Labor								
Deputy Commissioner (11)		X						X
Federal Coal Mine Safety Bd. of Review (12)	X			X				X
Federal Communications Commission (13)			X					X
Federal Deposit Insurance Corp. (14)	X	X						X
Federal Maritime Board (15)		X						X
Federal Power Commission (16)	X			X				X
Federal Reserve Board (17)	X	X						X
Foreign Claims Settlement Commission (18)	X			X				X
General Accounting Office (19)				X			X	X
Indian Claims Commission (20)	X				X		X	
Interstate Commerce Commission (21)		X						X
National Labor Relations Board (22)	X	(23)					X	X
Post Office Department (24)				X	X	X	X	X
Securities and Exchange Commission (25)	X			X				X
Subversive Activities Control Board (26)	X			X				
Treasury Department (27)				X			X	X
U.S. Tariff Commission (28)		X						X
Veterans Administration (29)	X			X			X	

- (1) 7 CFR § 900.60(b)(2) and 7 CFR § 47.32(b)(2).
 (2) 17 CFR § 0.11(c)(1)
 (3) 9 CFR § 202.11(c)(1)
 (4) 15 CFR § 384.2
 (5) 14 CFR § 406.47
 (6) 14 CFR § 302.11(a)
 (7) 37 CFR § 1.344, .348
 (8) 20 CFR § 403.713(f)
 (9) 43 CFR § 1.7
 (10) 8 CFR § 292.6, .61
 (11) 20 CFR § 31.21
 (12) 30 CFR § 401.8(f)
 (13) 47 CFR § 1.24
 (14) 12 CFR § 308.2(b)
 (15) 46 CFR § 201.29
 (16) 14 CFR § 1.4
 (17) 12 CFR § 263.1(b)

- (18) 45 CFR § 500.5
 (19) 4 CFR § 1.5
 (20) 25 CFR § 503.38
 (21) 49 CFR § 1.13
 (22) 29 CFR § 102.44
 (23) "[M]isconduct [at any hearing before a trial examiner or before the Board] of an aggravated character, when engaged in by an attorney or other representative of a party, shall be ground for suspension or disbarment...."
 29 CFR § 102.44(b)
 (24) 39 CFR § 202.5, 202.20 - .41
 (25) 17 CFR § 201.2
 (26) 28 CFR § 201.5(e)
 (27) 31 CFR § 10.7
 (28) 19 CFR § 201.12(e)
 (29) 38 CFR § 14.635